NOTICE.—Arrangements have been made for the attendance at Judges' Chambers of a Barrister, who will furnish to this Journal, from week to week, reports of points of law decided in Chambers relating to the New Practice.

The Subscription to the SOLICITORS' JOURNAL *is—Town, 26s.; Country, 28s.; with the* WEEKLY REPORTER, *52s. Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the Office—cloth, 2s. 6d., half law calf, 5s.*

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

Where difficulty is experienced in procuring the Journal with regularity in the Country, it is requested that application be made direct to the Publisher.

The Solicitors' Journal.

LONDON, NOVEMBER 13, 1875.

CURRENT TOPICS.

THE FIRST CEREMONY of swearing in solicitors of the Supreme Court has been appointed for Wednesday, December 1, at the Rolls Court.

THE EVENT OF THE WEEK has been the commencement, on Monday last, of the sittings of the Westminster Division of the Court of Appeal. The Act of last session (section 12) expressly authorizes the court to sit in two divisions at the same time, and it was obvious that, at all events until the arrears of errors had been worked off, this arrangement must be adopted. No intimation has been given as to the course to be taken after the pending cases have been heard, and this must doubtless depend on the amount of business which presents itself. If this should prove to be compatible with the sitting of the court as a single division, for hearing appeals from final orders, three days a week at Lincoln's-inn and three at Westminster, that arrangement would doubtless be the most satisfactory; but it is to be remembered that the Court of Appeal at Lincoln's-inn under the old practice was pretty fully occupied; that petitions in lunacy and bankruptcy appeals require a special day, and appeals from interlocutory orders another special day. And the rule recently announced that appeals relating to proceedings which finally settle the rights of parties, whether under a winding-up or in administration proceedings would be heard by a Court of Appeal composed of three judges, will, of course, render it more difficult to dispense with continuous sittings of the court of three judges at Lincoln's-inn.

THE PRESENCE of the Lord Chancellor in the Westminster Division of the Court of Appeal during this week has given rise to a notion that he is debarred from sitting to hear appeals from the Chancery Division. The grounds upon which this impression is based are, that by section 4 of the Judicature Act, 1875, it is provided that "no judge of the Court of Appeal shall sit as a judge on the hearing of an appeal from any judgment or order made by . . . any divisional court of the High Court of which he was and is a member," and by section 31 of the Judicature Act, 1873, the Lord Chancellor is made President of the Chancery Division of the High Court. By this provision, it is said, he is precluded from sitting in appeals from that division. This is a rather hasty conclusion. The Act does not say appeals from any *division* of which he is a member, but from any divisional court. What is a divisional court of the High Court? The answer is to be found in section 40 of the Act of 1873. It is a court to hear such causes and matters as are not proper to be heard by a single judge; it may be composed of three judges, but *must* be composed of two judges. How can an appeal from a decision of a single judge of the Chancery Division be said to be an appeal from such a court? It is true that section 43 speaks of divisional courts of the Chancery Division; but these are to be constituted in the manner indicated by section 40. Moreover, how can it be said that the Lord Chancellor either was or is a member of a divisional court of the Chancery Division? As a matter of fact he will, doubtless, not be a member of any divisional court of the High Court. The whole suggestion seems to be a delusion, based on a confusion between divisions and divisional courts.

AN APPLICATION, which was granted by the Court of Appeal at Lincoln's-inn on Saturday last (*Re Myers*), for leave to present an appeal in bankruptcy notwithstanding the expiration of the three weeks limited by rule 143 of the Bankruptcy Rules, 1870, is worthy of note as showing that a misapprehension to which we have before referred is not yet removed. Rule 150 of 1870 provided that the long vacation should not be reckoned in the time for entering appeals. This rule was, however, rescinded by another made on the 26th of May, 1873 (*vide Ex parte Hicks*, 23 W. R. 852, L. R. 20 Eq. 143), the effect of which is that the time for entering appeals runs notwithstanding the long vacation. The ground of the application in *Re Myers* was that the solicitor was ignorant of the fact that rule 150 had been rescinded, and therefore did not give his notice of appeal during the long vacation. It appeared in *Ex parte Hicks* that the profession generally were not aware of the rule of the 26th of May, 1873, and it seems desirable again to call attention to it. It is not to be found in most of the books of practice. It was, however, printed in 17 SOLICITORS' JOURNAL, 715.

LAST WEEK the courts were in the position of having lost their roll and knowing not where to look for another. Solicitors were in the position of being officers of a court which never sat, and which therefore could never relieve them of their office or exercise disciplinary powers. From this embarrassing situation the recent regulations, which placed the roll of solicitors in the hands of the Clerk of the Petty Bag, have enabled the Common Pleas Division, after conferring with the judges of the other Divisions, to find a way of escape. Solicitors may in future be ordered to be struck off the old rolls of the consolidated courts, and, if the new Supreme Court register is in existence, to be struck off that; or, if that register is not in existence, their names may be ordered not to be inserted in it. It will be observed that by the recent general rules all orders for striking a solicitor off the roll, or for any other purpose involving any alteration in the roll of solicitors of the Supreme Court, are to be filed with the Clerk of the the Petty Bag, who will make the requisite alteration in the roll.

THE WORK OF THE COURT OF CHANCERY for the year ending the 30th of October, 1875, has exceeded that of any previous year. In 1874, the number of orders drawn up by the registrars was 15,064, which was an increase of about 300 on the previous year. The increase for this year, it is believed, will exceed 1,200 orders. While this large addition to the work has occurred, it is to be observed that the number of the registrars has been reduced by the non-appointment of a successor to Mr. Disraeli.

The *Weekly Reporter* of this week contains full reports of the following ten cases decided since the Judicature Acts came into operation:—*Bartlam* v. *Yates*; *In Re Phœnix Bessemer Steel Company (Limited)*, *Ex parte Sheffield Banking Company*; *Palin* v. *Brookes*; *Wake* v. *Varah*; *Park* v. *Thackray*; *Budding* v. *Murdock*; *Garling* v. *Royds*; *Barwick* v. *Yeadon Local Board*; *King* v. *Corke*; and "*The General Birch.*"

THE NEW PRACTICE.

STAYING ACTIONS.—A point of considerable importance arose in the Common Pleas Division on Wednesday last in the case of *Kingchurch* v. *The Peoples' Garden Company* (*Limited*) with reference to the effect of the 5th sub-section of the 24th section of the Judicature Act of 1873. The application was for a stay of proceedings in an action of ejectment in the Common Pleas Division of the High Court on the ground that a petition for a winding-up order against the defendants had been presented to the Chancery Division. One of the greatest benefits supposed to be derived from the recent changes was that suitors would not any longer be told that they had come to the wrong side of Westminster Hall and must go to the other; yet the court refused the application on the ground that it ought to have been made to the Master of the Rolls, the judge of the Chancery Division to whom the petition had been addressed. The provision of sub-section 5, roughly summarized, is that no injunction shall for the future be necessary to restrain any proceeding in the High Court; but any person, whether a party to the cause or not, may apply to the High Court or Court of Appeal for a stay of proceedings in any cause pending before them in a summary way. The Common Pleas Division appears to have held that there was no doubt as to the power of any division to stay any proceeding pending in the High Court. Previously to the Act the application to restrain proceedings in actions against companies with respect to which a winding-up petition had been preferred in the Court of Chancery would have been made to that court under section 85 of the Companies Act, 1862. The Common Pleas Division held that it was more convenient that the old practice in this respect should be adhered to in cases of winding up, and that the application should be made to the Chancery Division. The whole matter could be brought before the Master of the Rolls, and he being seised of the winding-up proceeding, of which the Common Pleas Division had no cognizance, could consider how far it was necessary for the purposes of that proceeding that the action should be stayed, and could say upon what terms the stay of proceedings should take place.

One may admit that in winding-up proceedings it might be more convenient that applications to stay should be made in the winding-up court, and section 85 being, as was pointed out by Archibald, J., unrepealed, it may be that its provisions are to be taken as unaffected, and as giving the winding-up judge a power to restrain proceedings which are not before himself; but, except on this footing, it is difficult to see how the Court of Common Pleas evaded, except by not noticing, the force of section 11 of the Judicature Act, 1875, which provides that, "subject to the rules of court, and to the provisions of the principal Act and this Act, and to the power of transfer, . . . all interlocutory and other steps *and proceedings*, in or before the said High Court, in any cause or matter subsequent to the commencement thereof, shall be taken (subject to the rules of court and to the power of transfer) in the Division of the said High Court to which such cause or matter is for the time being attached."

There are several points in this case which furnish matter for grave consideration. In the first place, as the case raised a question under the new procedure which is really cardinal, it is to be regretted that the court did not see fit to deliver a mature and deliberate decision, and that, by hastily rejecting the motion, they have deprived us of any commentary upon the effect of section 11 of the Act of 1875. We cannot but regret, also, that, notwithstanding an apparent difference, there should exist such a real similarity between the language held now by the learned judges of the Common Pleas Division and that which we were only too familiar with after the passing of the reforming Acts of 1852 and 1854. When it was sought to put in force the new power with which the common law courts were invested by those Acts, the courts affected a bashful timidity. They then said in effect, "We do not know what courts of equity would do; we not know what terms it would be right to impose," and they also said, "We have not the necessary powers to effect complete justice between the parties, and, therefore, we will not interfere." The *non-possumus* is no longer possible to them; it remains to be seen whether the *ignoramus* will be repeated.

ENTRY OF JUDGMENTS IN DISTRICT REGISTRIES.—Some difficulty has been felt by district registrars about the provisions of the Judicature Act and rules with reference to the entry of judgments in district registries. It will be remembered that section 64 of the Act of 1875 provides that, subject to the rules of court, and unless any order to the contrary shall be made by the High Court or by any judge thereof, "all such further proceedings . . . (if the plaintiff is entitled to sign final judgment or to obtain an order for an account by reason of the non-appearance of the defendant), down to and including final judgment or an order for an account, may be taken before the district registrar, and recorded in the district registry." Rule 1 of Order 35 in the schedule provides that, if the plaintiff is entitled to enter final judgment or to obtain an order for an account by default, proceedings may be taken in the district registry down to and including such judgment or order; and such judgment or order shall be entered in the district registry in the proper book. Where the writ is issued out of a district registry, and the plaintiff is entitled to enter interlocutory judgment for default of appearance or pleading in an action for detention of goods or damages, such interlocutory judgment, and, when damages shall have been assessed, final judgment shall be entered in the district registry, unless the court or a judge shall otherwise order. The rule then proceeds to say that, "Where an action proceeds in the district registry final judgment shall be entered in the district registry unless the judge at the trial or the court or a judge shall otherwise order." The next rule (rule 2) provides, that *subject to the foregoing rules*, where an action proceeds in the district registry the judgment and all such orders therein as require to be entered, except orders made by the district registrar under the authority and jurisdiction vested in him under the rules, *shall be entered in London*. The result appears to be that since the provision of the Act is made subject to the rules, and the 2nd rule is made subject to the 1st, final judgment must be entered in the district registry, in all cases in which an action proceeds in the district registry, unless the judge otherwise orders. But then, it is asked, To what cases can the 2nd rule refer? As Mr. Marshall has pointed out in his most opportune pamphlet on district registries, it is useless as regards judgments ordered by a judge to be entered elsewhere than in a district registry; for elsewhere must necessarily be London. The rule may be capable of the construction suggested by Mr. Marshall—that it refers only to interlocutory judgments, other than those mentioned in rule 1. But a conjecture may be hazarded that rule 1 of order 35 was intended to refer to actions tried in the country. If it had stated that, "where an action proceeds in the district registry, *and the trial takes place in the country*, final judgment shall be entered in the district registry," the rules would have been perfectly consistent. The words in italics, however, not being in the rule, the effect appears to be, as we have said, that final judgment in all actions which proceed in a district registry must be entered there, unless a special order is made by the judge. Practically, it may be anticipated that this last provision will obviate all difficulty. Where an action which has proceeded in a district registry is tried in London, the judge will no doubt direct judgment to be entered there.

ENLARGING TIME FOR APPEAL.—Under the new practice (ord. 64, r. 6), in the Queen's Bench, Common Pleas, and Exchequer Divisions, every appeal to the court from any decision at chambers must be made by motion, within eight days after the decision appealed against. This provision appears to have evoked a display of considerable ingenuity from the learned judges of the Common Pleas Division on Monday last. It appears that in three cases in which Mr. Charles Bowen was retained for the appellants the eight days would elapse on Monday, and there was no probability of his being reached, as several Queen's Counsel were in the front row waiting to make motions which they had entered on the reserved list. When the court returned from lunch Mr. Bowen asked leave to mention the case of *Pickles* v. *Norris*, which was an appeal from a judge at chambers that must, by the rule, be made on that day. He asked the court whether, as there seemed no probability of his moving on that day, they would enlarge the time, or, failing that, whether they would permit him to enter his motion on the reserve list. But when the rule above referred to was looked at it appeared that no power was there expressly given for enlarging the time in such a case. In rule 4 of the same order such a power is expressly given, but that rule refers solely to an appeal from a master to a judge at chambers, and there the time within which the appeal must be made is shorter, being four days only. The following conversation then occurred:—

GROVE, J.—I presume your application is *ex parte*, Mr. Bowen; you have not obtained the consent of the other side to any enlargement.

Bowen.—No, my lord; this application is as much *ex parte* as any other motion is. The other side are aware that we intend to move on appeal, and, of course, we shall give them notice of your lordships' decision in this matter.

GROVE, J.—I am afraid, then, that if the application is *ex parte*, and the other side have not notified their consent to any enlargement of the time, we have no power to allow you any further time. And there are objections to allowing any new class of motions to be entered on the reserved list.

Bowen.—Then would your lordships allow me to move *nunc pro tunc*?

GROVE, J.—That will be the best plan. You may commence to move now, and then we will adjourn the motion till the earliest day on which it will be convenient to us to hear you.

Bowen.—I thank your lordship. Then I move an appeal from the judge at chambers in the case of *Pickles* v. *Norris*, and also in two other cases in which the circumstances are exactly similar.

GROVE, J.—And we adjourn the motions.

Bowen.—I am provided in each case with a formal affidavit setting out the facts, that the case came before the judge, and that he made such and such an order, &c. I presume that, though I am supposed to be moving to-day, I need not file these affidavits till I move the court in earnest.

GROVE, J.—No, we cannot permit that. It would lead to very lax practice if we allowed counsel to move on affidavits not filed, even though the motion was only formal. And the nature of the affidavit makes no difference. If you move to-day, you must file your affidavits to-day, and you must at once give notice to your opponent of the result of your application.

Bowen.—The affidavits shall be filed to-day, and the other side shall receive notice of this motion at once.

GROVE, J.—It must be understood that, though the court is disposed to grant indulgences so long as the provisions of the Judicature Act are new and strange to the profession, in order that no hardship may be caused to any one by the sudden introduction of novel practice, still these indulgences must not be taken as precedents of what the practice of the court will be when the new Acts come to be understood and acted on.

From the remark of the learned judge with reference to the inability to grant further time, it would appear that the attention of the court was not directed to the provisions of ord. 57, r. 6. That rule runs as follows:—"A court or a judge shall have power to enlarge or abridge the time appointed by these rules, or fixed by any order enlarging time, for doing any act or taking any proceeding, upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed."

PENDING PROCEEDINGS IN WINDING UP.—The enactment of sub-section 1 of section 25 of the Act of 1873 that the estates of persons dying insolvent after the passing of the Act shall be administered by the court as in bankruptcy, was repealed and re-enacted in substance by section 10 of the Act of 1875, with the important addition that the rule in bankruptcy shall also apply to the winding up of insolvent companies. That is to say, the partly-secured creditor of an insolvent person dying after the commencement of the Act, and whose estate is being administered by the court, and the partly-secured creditor of an insolvent company in liquidation will no longer, according to the rule in *Mason* v. *Bogg* (2 My. & Cr. 443) and *Kellock's case* (16 W. R. 919, L. R. 3 Ch. 769), prove for the full amount of their debts without deducting their securities, but will merely rank as creditors for the balance remaining due after realizing or valuing their securities, according to the rule which has obtained in bankruptcy ever since statute 13 Eliz. c. 7. The application of the first branch of section 10 is limited, as we have seen, to the administration by the court of the assets of persons dying after the commencement of the Act. In the case of companies there is no such limitation expressed; and accordingly the question arose, in *Re Phœnix Bessemer Steel Company*, last week, whether creditors of an insolvent company, the winding up of which commenced before November 1, were or were not entitled to prove for the full amount of their debt without deducting their securities. The Master of the Rolls decided the point in the affirmative, on the ground that the claim had been admitted prior to November 1, so that the rights of the creditors were ascertained and determined before the alteration in the law. The decision leaves open the question, whether the rule in bankruptcy is to govern claims made after November 1 in a winding up commenced before November 1.

A FLUCTUATING COURT OF APPEAL.—Among the little troubles is one in connection with the Court of Appeal which is calculated in course of time to cause considerable inconvenience to suitors. The case of *Macdougall* v. *Gardiner* was on the 5th of November partly heard before the Lord Chancellor and Lords Justices James and Mellish, and on a subsequent day it was again partly heard. On a third day it was in the paper for hearing, but in consequence of the Lord Chancellor sitting at Westminster the case was not proceeded with. Now that a divisional appeal court is to sit at present three days a week at Westminster it is probable that by reason of the continual changes in the *personnel* of the court cases partly heard may stand over indefinitely. What the expense of this may be in the case referred to we have not been at the pains to ascertain; it is only mentioned as an instance of one of the probable results of daily changes being made in the judges of the Appeal Court. It is obvious that when once an appeal is opened the least expensive mode of hearing it is the ordinary practice of continuing throughout the day, and from day to day, until a decision is arrived at. To hear a cause two half-days is more expensive than to hear it out on one day, and expense is further increased by the fact of a cause being in the paper and there not being a sufficient court able and willing to hear it. When an appeal is part heard it will become incumbent on the judges composing the particular court to fix a future day when they will all sit again and continue the hearing.

COSTS IN THE COURT OF APPEAL.—An excellent commentary on the recommendation of the Judicature Commissioners that costs should be in the discretion of the court, and upon the provisions of ord. 53, and ord. 58, r. 5, framed in accordance with that recommendation, has this week been afforded by the Court of Appeal. On Tuesday last in the Westminster Division the Lord Chancellor announced that, although as regards pending appeals the old practice not to give costs to a successful appellant at whose instance the decision of the court below is reversed would be retained, in other appeals, as a general rule, costs would follow the result. The same rule was announced on Wednesday in the Lincoln's-inn Division of the court by Lord Justice James.

SITTINGS OF THE COURT OF APPEAL.—The Lord Chancellor announced on Tuesday that arrangements had been made for the sitting of the Court of Appeal at Westminster on three days in the week, in order to dispose of the errors waiting to be heard. Until the arrears of errors had been disposed of the court would not take any other business at Westminster. All applications relating to other business must be made to the Lincoln's-inn Division of the court.

NOTICE OF APPEARANCE ELSEWHERE THAN WHERE WRIT IS ISSUED.—A correspondent says—Country solicitors and London agents are feeling some difficulty on the following point:—When appearance is entered in London to a writ issued in the country, how is the London agent who receives the notice to know who his correspondent is? The rule should have made the name and address of the plaintiff's solicitor a necessary part of the notice in such cases. But the country solicitor can (and should) preclude all difficulty by directing his London agent, in giving notice, to name the plaintiff's solicitor and his address.

ADDRESS OF PETITIONS.—The following directions have been given as to the address of petitions in the Chancery Division:—

In the High Court of Justice.
Chancery Division.
Vice-Chancellor Bacon.
To her Majesty's High Court of Justice.

CASES OF THE WEEK.*

APPEALS IN OLD SUITS.—On Saturday, in a case of *Bartlam* v. *Yates*, the Court of Appeal expressed an opinion that where a suit had been instituted in the Court of Chancery, and a decree made before the 1st of November, but no petition of appeal had been presented, the provisions of section 22 of the Judicature Act, 1873, with regard to the mode of procedure in pending matters, did not apply, but that one of the parties who desired to appeal from the decree could bring his appeal according to the new method of procedure, without obtaining any previous direction from the court as to which method of procedure should be adopted.

POWERS OF THE COURT OF APPEAL.—On Saturday, in *Re Walton* (a lunatic petition), the Court of Appeal (consisting of the Lords Justices James and Mellish) was asked to make an order under the Trustee Acts which, according to the old practice, would have been made by the Lords Justices in chancery as well as in lunacy. Their lordships held that they had no power to make the order, inasmuch as, though their jurisdiction in lunacy is preserved by section 7 of the Act of 1875, yet they are not judges of the Chancery Division of the High Court, to which Division the former jurisdiction (other than appellate) of the Court of Chancery has been transferred. In order to meet this difficulty their lordships stated that they intend to apply to the Lord Chancellor to appoint them to be additional judges of the Chancery Division, under the power conferred by section 51 of the Act of 1873.

TRANSFER OF PETITIONS.—On Monday, in *Boyd's Trusts*, the Court of Appeal, consisting of the Lords Justices, was asked to make an order for the transfer of a petition presented, not in a suit, but under the statutory jurisdiction of the Court of Chancery, from one Vice-Chancellor to another. The court held that ord. 51, r. 1, of the rules of court applies to petitions of this kind equally with actions, and that the transfer could only be made by the Lord Chancellor.

[The rule provides that "any *action or actions* may be transferred," &c. By section 100 of the Act of 1873 (incorporated by ord. 63), "action" means "a civil proceeding *commenced by writ*."]

QUORUM OF THE COURT OF APPEAL.—On Wednesday the Court of Appeal at Lincoln's-inn was constituted of four judges, viz., the Lords Justices James and Mellish, Mr. Baron Bramwell, and Mr. Justice Brett. The paper for the day consisted of what, according to the old practice, were known as "appeal motions," as distinguished from "appeals." Their lordships said that, without now determining what were to be considered as appeals from final orders and what as appeals from interlocutory orders, it was intended that a court consisting of at least three judges should, as a general rule, sit to hear appeals of this nature.

NEW EVIDENCE ON APPEAL.—In a suit of *Mutlow* v. *Bigg*, an appeal from a decision of V. C. Hall came on to be heard by the Lords Justices before the long vacation. Their lordships were of opinion that the facts of the case were not sufficiently before the court to enable them to come to a decision, and, moreover, that the pleadings were not framed so as to raise all the material issues. They therefore ordered the hearing of the appeal to stand over, giving liberty to the plaintiff to amend his bill, and to give notice of motion for decree, with new evidence, the notice to be for an original hearing before the Lords Justices. This having been done, on Wednesday application was made to the Court of Appeal for the purpose of ascertaining how the case should now be dealt with, having regard to the new practice. Their lordships pointed out that they have now no original jurisdiction to hear a cause attached to the Chancery Division, but, having regard to the power which the Court of Appeal possesses under ord. 58, r. 5, to receive further evidence on the hearing of an appeal, they said that the appeal might be placed in the paper again for hearing upon the new evidence.

COSTS OF APPEAL.—By ord. 58, r. 5, it is provided that "The Court of Appeal shall have power to make such order as to the whole or any part of the costs of the appeal as may seem just." On Wednesday Lord Justice James gave notice that for the future the rule will be that the successful party is entitled to the costs of his appeal, instead of the rule under the old practice that no costs were given of a successful appeal. This new rule, however, is not to apply to appeals pending when the Judicature Acts came into operation.

TRANSFER OF CAUSES.—On Wednesday Lord Justice James stated that applications for the transfer of actions from one judge to another of the Chancery Division are, when the parties consent to the transfer, to be made to the Lord Chancellor's secretary, and a written order will then be made by the Lord Chancellor.

COUNSEL IN COURT OF APPEAL.—On Monday last in the Westminster Division of the Court of Appeal, counsel asked whether the court would depart from the old rule of the Exchequer Chamber, and hear two counsel on the same side. Lord Cairns, who presided, said—"I am aware that the old practice in the Exchequer Chamber was, when hearing errors, to hear only one counsel on each side, but I may as well announce that in future this court will follow the practice of the Court of Appeal in Chancery, and will hear two counsel on each side, and when, as is often the case in chancery proceedings, there are many

* It may be desirable to explain that these notes of cases are furnished by barristers in the respective courts, and that cases of permanent value noticed here will be subsequently fully reported in the WEEKLY REPORTER.

persons interested, this court will hear two counsel on behalf of every person having a separate interest."

PENDING PROCEEDINGS.—Before the rising of the Court of Appeal at Westminster on Thursday, *R. E. Webster* applied for the direction of their lordships under section 22 of the Judicature Act, 1873, as to the course to be pursued with regard to a case in which a demurrer had been allowed against the intending appellants, there being other issues on the record. Under the old practice the parties would have had to go to trial on the other issues, and then error would have to be brought on the whole record. This proceeding would have been expensive and useless, as the issues remaining to be tried were unimportant if the demurrer was allowed. It lay with their lordships to decide whether the proceedings in the case should go on according to the old system or the new. The court (Cairns, C., Coleridge, C.J., Bramwell, B., and Brett, J.) intimated that it was inconvenient to hear such applications during the progress of the regular business or at the rising of the court, and said that a day would shortly be appointed for hearing interlocutory business and disposing of such applications as the present one.

SPECIAL REFEREE.—On Monday in the Rolls Court, in a case of *Re Perrin's Estate, Court* v. *Perrin*, it was proposed to refer various petitions arising in the suit to a special referee for inquiry and report, and it was suggested, with the approbation of the judge, that the senior Queen's Counsel ordinarily practising in the branch of the Division to which the cause was attached was, if not engaged in the cause, the fittest person for the office. The parties thereupon agreed on a reference to Mr. Roxburgh, Q.C.

PENDING SUIT.—Before the Master of the Rolls, on Monday, an application was made in a case of the *Royal Naval, Military, and East India Life Assurance Company* v. *Hamilton*. An appearance had been entered for the defendant, who was resident out of the jurisdiction, and he had been served with copy bill and interrogatories, which he had not answered, and the cause was now in a state in which, under the old practice, notice of motion for decree might have been given or replication filed. *Romer*, for the plaintiffs, referred to his lordship's direction of November 3, that old suits in which notice of motion for decree has not been given, or replication filed, shall proceed under the old practice up to, but not inclusive of, notice of motion for decree or replication, and thenceforward under the new practice, and asked for leave to serve notice of motion for decree instead of notice of motion for trial, as the most convenient course under the circumstances; unless his lordship should be of opinion that the plaintiffs were entitled under ord. 29, r. 10, to set down the cause on motion for judgment, by reason of the defendant having made default in delivering a defence through having failed to comply with the order to answer the interrogatories (ord. 31, r. 20). The Master of the Rolls thought the cause had better proceed under the old practice, and gave leave to serve notice of motion for decree.

USE AT TRIAL OF AFFIDAVITS PREVIOUSLY USED.—The Master of the Rolls has decided that affidavits filed on an interlocutory application cannot be used at the trial of the action, unless by special leave.

LEAVE TO AMEND AT THE HEARING.—In a case of *Budding* v. *Murdock*, brought to a hearing on November 5, before the Master of the Rolls, upon motion for decree under the old practice, the plaintiff, who sought to restrain interference with a watercourse, failed to show that he had a title to the watercourse, either by deed or prescription, in accordance with the case made by the bill. The court, nevertheless, thought it possible that he might be able to make out a case against the defendant, through the latter having stood by and allowed the expenditure of money upon the watercourse, and gave leave to make amendments to that effect under ord. 27 r. 1, at the same time observing that such leave could scarcely have been given but for the Judicature Acts. Under the old practice leave was not given at the hearing to introduce by amendment new matter raising a new issue (*Lord Dunsley* v. *London, Chatham, and Dover Railway Company*, 11 W. R. 388). The decision is noticeable as indicating that, although the case is one in which the parties are directed to follow the old procedure, the court will apply the new rules where desirable.

ANSWER WITH WRONG HEADING.—On Monday an application was made to Vice-Chancellor Bacon (when sitting as Chief Judge in Bankruptcy), in a suit of *Barwick* v. *The Yeadon Local Board*, which was commenced in the Court of Chancery before the Judicature Acts came into operation. The answer of one of the defendants was prepared and engrossed before the 1st of November, being headed according to the old practice, "In Chancery," but it was not sworn till the 3rd of November. The Record and Writ Clerk refused to file the answer on the ground that it ought to have been headed "In the High Court of Justice, Chancery Division." Another objection to the answer was that in the *jurat* the solicitor before whom it was sworn described himself as "a commissioner to administer oaths in the High Court of Justice," instead of "in the Supreme Court of Judicature in England." The Vice-Chancellor thought that, notwithstanding these irregularities, the answer should be received and filed.

AMENDING AT THE HEARING.—Vice-Chancellor Bacon on Wednesday last, in the case of *King* v. *Corke*, decided that the 1st and 6th rr. of ord. 27, as to amendment at the hearing, apply to causes pending on the 1st of November, 1875. The bill in this case was, among other things, for the purpose of taking an account against trustees of a voluntary settlement with what is technically known as "wilful default." The bill did not allege any specific act of wilful neglect or default on the part of the defendants. Under *Sleight* v. *Lawson* (3 K. & J. 292) it was clear the plaintiff could not get the relief he required, and upon being stopped he asked leave to amend under the 1st and 6th rr. of ord. 27. In granting this permission the Vice-Chancellor required that the plaintiff should pay all the defendant's costs of the day, and following the analogy of the case of *Watts* v. *Hyde* (2 Col. 391), he allowed the defendant to enter upon fresh evidence, but the plaintiff was not allowed to file any more evidence. The Vice-Chancellor considered that the law now effects the object attempted to be attained by the Vice-Chancellor in *Watts* v. *Hyde*, an object which the Lord Chancellor (Lord Cottenham) disapproved of, and expressed his disapproval by discharging the order on appeal (2 Ph. 406).

PENDING PROCEEDINGS.—On Saturday last Vice-Chancellor Hall decided that in pending suits the practice as to issuing a writ of attachment was to be that hitherto in use. The application was made in a suit of *Garling* v. *Royds* on the 5th of November for attachment under the old practice, of a defendant who was in default in answering. The Record and Writ Clerk had declined to issue the writ on account of the terms of ord. 44, r. 2, which directs that no attachment shall be issued without leave of the court or a judge, to be applied for on notice to the party against whom attachment is sought. His lordship had, on the 3rd of November, ordered that pending suits in which replication had not been filed or notice of motion for decree given were to proceed under the old practice up to replication or notice of motion for decree. The present point, however, was, his lordship observed, of importance as affecting the liberty of the subject, and he therefore consulted the other judges before deciding it. On the following day his lordship gave his decision that at that stage of the cause attachment might issue without notice, according to the old practice.

MOTIONS.—On Friday, November 5, for the first time, a motion under ord. 53 of the Judicature Act, 1875, came under the notice of the Court of Queen's Bench. *Edwards*, Q.C., attended to answer on affidavits a motion of which notice had been given by the other side under ord. 53, r. 3. *H. Crompton* was in attendance to move the court. The learned counsel applied to the court for guidance, saying that they were ready to proceed in the matter, but did not know at what time they ought to do so. The court (Cockburn, C.J., and Mellor and Quain, JJ.) said that the matter should stand over. The right course would be to

bring the matter on, by arrangement between the counsel, on one of the regular motion days of the court, on which days such applications would be heard in the ordinary course.

ENLARGING TIME FOR REPEATING EX PARTE APPLICATION.—In the Common Pleas Division, on Saturday, in a case of *Sharrock* v. *London and North-Western Railway Company*, *Herschell*, Q.C., applied to enlarge the four days within which an *ex parte* application refused by that court must be made to the Court of Appeal (ord. 58, r. 10). He stated that the application for enlarging time might be made either to that court or to the Court of Appeal. [But see ord. 58, r. 17.] At present the Court of Appeal had made no arrangements for hearing renewed *ex parte* applications. The court (Lord Coleridge, C.J., and Brett and Grove, JJ.) enlarged the time for a week.

EXTENSION OF TIME FOR MOTION.—In the Common Pleas Division, on Tuesday, in a case of *Wylie* v. *City and County Banking Company*, *Sir H. James* applied for leave to commence a motion *pro formâ* in the above case. The motion was by way of appeal from an order made at judges' chambers. The rule, he said (ord. 54, r. 6), appears to require the motion to be made peremptorily within four days. The court (Grove, Denman, and Archibald, JJ.) allowed, as a temporary expedient only, the motion to be formally commenced as desired.

ACTION PENDING IN LANCASTER COURT OF COMMON PLEAS. In the Common Pleas Division on Tuesday (before Grove, Denman, and Archibald, JJ.), *Herschell*, Q.C., in a case of *Saunders* v. *Stuart*, moved for a rule *nisi* calling upon the plaintiff to show cause why the verdict should not be entered for the defendant or the damages reduced, pursuant to leave reserved at the trial. The case came on at Liverpool before Huddleston, B., and the plaintiff obtained a verdict for £120, subject to leave reserved. The action was brought in the Court of Common Pleas at Lancaster, from which court error lay to the Queen's Bench from time immemorial. The Common Law Procedure Act, 1852, expressly provides that "the Court of Queen's Bench shall still be the court of error from the said Court of Common Pleas at Lancaster and Court of Pleas at Durham" (15 & 16 Vict. c. 76, s. 233). So, by the Common Law Procedure Act, 1854, it is provided that the "Court of Queen's Bench, being the court of error from the said Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, shall also be the court of appeal from the said respective courts for the purposes of this Act in reference to motions for new trials, or to enter verdicts or nonsuits" (17 & 18 Vict. c. 125, s. 102). And the Common Law Procedure Act, 1860, contains a similar provision making the Queen's Bench the court of appeal for all the purposes of that Act (23 & 24 Vict. c. 126, s. 42). Hence all motions arising out of trials at *Nisi Prius* in the Court of Common Pleas at Lancaster were always made in the Court of Queen's Bench at Westminster, till 1869. But in that year was passed "The Common Pleas at Lancaster Amendment Act," which enacted that any appeal, demurrer, special case, rule, order, or application "may be heard and determined by *any of the superior courts* at Westminster, either sitting *in banco*, or by *any one of the judges* of the said courts at chambers when, according to the practice of such court, such matter would be heard by a single judge at chambers." Hence such a motion as the present one could be made in either of the three courts, and it was deemed more courteous and convenient always to make the motion in the court of which the judge who tried the case in Lancashire was a member. By section 16 of the Act of 1873 the peculiar jurisdiction of the Court of Common Pleas at Lancaster is transferred to, and vested in, the High Court of Justice. Section 34 assigns to the Common Pleas Division of the said court "all causes and matters pending in the Court of Common Pleas at Westminster, the Court of Common Pleas at Lancaster and the Court of Pleas at Durham respectively, at the commencement of this Act." This action then, on the 1st of November, was, by operation of law, shifted into the Common Pleas Division of the High Court, and all proceedings ought to have taken place before that divisional court. *Herschell*, however, moved the Exchequer Division of the High Court in accordance with former practice, because Mr. Baron Huddleston had presided at the trial. The court granted him a rule *nisi* on both grounds, but when this decision was about to be recorded the mistake was discovered. Such a case would seem to come within the discretion expressly given to the court by section 22, and if so the matter might have been continued under the old procedure. But the Lord Chief Baron thought that the case must be considered to have been commenced in the Common Pleas Division, and that now one part of it had suddenly been transferred to the Exchequer Division in the middle of the proceedings. The court held that *Herschell's* application had been merely waste of time, and that he must make an application *de novo* to the Common Pleas Division, the Lord Chief Baron adding: "No doubt, if you inform the court that we gave you a rule on both points, they will readily fall in with our decision." However, when *Herschell* had explained these facts to the Common Pleas Division, that court showed no desire whatever to at once adopt the decision of their learned brethren, and save themselves the trouble of inquiring into the case; but after a full discussion they granted a rule *nisi*, as their brethren of the Exchequer Division had done on the preceding Thursday.

STRIKING SOLICITORS OFF THE ROLL.—The Common Pleas Division on Thursday, with the concurrence of the other judges, determined the procedure, and definitely fixed the form of the application and of the order to be made for striking solicitors off the roll of the Supreme Court. There has been a good deal of confusion and uncertainty on this point during the last few days. We noticed last week an application made to the Queen's Bench Division on November 3 by a solicitor to have his own name struck off the roll. The court at once raised the objection that there was no roll of solicitors of the Queen's Bench Division in existence. Every solicitor was now a solicitor of the Supreme Court. And their lordships, after discussing the matter, would only say that they were willing to accede to the application so far as they were concerned. On Wednesday the same difficulty occurred in the Common Pleas Division. Cause was shown against a rule made before the commencement of the Judicature Acts calling on two attorneys, father and son, to show cause why they should not be struck off the rolls. *Sidney Hastings* appeared for the father, and *Holl* for the son. *Murray* appeared for the Incorporated Law Society. The court, without calling on *Murray*, said they were of opinion that three distinct cases of appropriation of clients' money to their own use had been proved against the attorneys, and that undoubtedly they must at once cease to be officers of the court. But there was some difficulty about the form of the order, for there was no longer a Court of Common Pleas with a roll of attorneys. *Murray* pointed out that this matter was pending when the new Act came into operation; and that by section 22 of that Act all pending business, so far as relates to the form and manner of procedure, may, if the court think fit, be continued and concluded in the same manner as it would have been continued and concluded in the respective courts from which it shall have been transferred. And he also referred to section 87. Lord Coleridge asked—What were our powers under the old procedure? All we could do was to strike an attorney off the roll of our own court. But now this divisional court has no roll. And our purpose is to prevent these gentlemen from continuing solicitors of the Supreme Court. If the matter be continued under the old procedure, we can only order the name to be struck off the old roll of the Court of Common Pleas. But under the new procedure, this divisional court can exercise all or any part of the jurisdiction of the High Court of Justice (section 40). We will defer judgment till to-morrow morning, and in the meantime we will consult with our brethren of the other divisional courts. Accordingly on Thursday morning Lord Coleridge pronounced judgment. He said that the court had entertained no doubt as to what it would be its duty to do in this case. Their only hesitation was as to the form of order necessary, but they had consulted the other judges, and that difficulty had been solved. These solicitors must cease to be officers of the Supreme Court. The court clothed solicitors with a special character, in virtue of

which they were enabled to act in a peculiar relation to society. But as soon as such persons availed themselves of that peculiar relation to abuse the confidence of their clients and the confidence of the court, it was the bounden duty of the court to strip them of the special character which it had given them, and which had enabled them to be guilty of such misconduct. The order of the court would be in the following form:—"We order the names of these gentlemen to be struck off all the existing rolls of solicitors and attorneys of the former courts. We further order that if there be already in existence a register of solicitors of the Supreme Court made under the new Act of Parliament, then that the names of these persons be struck off that register. If there be no such register yet in existence, then we order that the names of these persons shall not be inserted in it when it is made. And we will give notice of our judgment to the Master of the Rolls."

WITHDRAWAL OF RECORD.—Before Mr. Justice Field, sitting at *Nisi Prius*, as a court of the Queen's Bench Division on Thursday, November 4, in a case of *Ferard* v. *Embleton and Others*, *Arbuthnot* moved on behalf of the plaintiff, under ord. 23, for an order giving leave to withdraw the record. He stated that the action was one of ejectment, and that terms had been arranged between the plaintiff and three of the defendants, by which the latter had agreed to withdraw their appearance, and a judge's order had been drawn up accordingly; that the fourth defendant had disappeared, and, under these circumstances, the plaintiff was desirous of withdrawing the record, but could not do so under the above order without the leave of the court or a judge, for which he now moved. Mr. Justice Field said that the facts as to the fourth defendant had better be embodied in an affidavit in order that he might know what terms to impose as to costs. Later in the day *Arbuthnot* again applied, stating that he had consulted with his client and found that there would be a difficulty in obtaining an affidavit as to personal search for the fourth defendant. He observed that if the case had been in the day's list under the old procedure, the only effect of the plaintiff's withdrawing the record would have been that the defendant would have been entitled to the costs of the day. As this case was still one or two out of the day's list, the plaintiff would have had the right, under the old procedure, to withdraw the record without any terms, and it was difficult to see what costs the fourth defendant could be entitled to; but he was quite willing, on the part of his client, to consent that the order should be made without prejudice to any application by the fourth defendant for any costs which might have been thrown away by him in consequence of the withdrawal of the record. Mr. Justice Field made the order accordingly.

PRACTICE IN THE PROBATE, &C., DIVISION.—The Fifth Division of the High Court does not seem likely to present many changes of practice at present. Tuesday last was the first motion day since the Acts came into operation. On an application being made by the Queen's Proctor (in the usual form) for leave to intervene after a decree *nisi* for a divorce, Sir James Hannen said: "I shall continue the old practice for the present, but I may possibly vary it hereafter, so far as regards the amount of information to be required by the court before leave to intervene is granted." On an application for a decree absolute his lordship directed the affidavit of search to be re-sworn, because, though dated on the 1st of November, it was headed "In the Court for Divorce and Matrimonial Causes"; and he added, "I take this opportunity of stating that the proper description of this Division of the court is, 'The Probate, Divorce, and Admiralty Division,' although both the Act and the rules speak of the Probate, the Divorce, and the Admiralty Division respectively. I should not reject a document as invalid for not containing the full title, but (in addition to the above heading) the subject-matter of the business should be described as 'Probate,' 'Divorce,' or 'Admiralty,' as the case may be."

The opening meeting of the session of the Law Amendment Society will take place on Monday next, when Sir Edward Creasy will deliver an address on "The Subjects and Mode of Study in Preparation for a Forensic Career." The Hon. Justice Denman will preside.

RESCISSION OF CONTRACT UNDER THE STATUTE OF FRAUDS.

IT is difficult to evade the strict reasoning by which, in *Goss* v. *Lord Nugent* (5 B. & Ad. 58) and *Marshall* v. *Lynn* (6 M. & W. 109), it was held that the alteration of a term in an agreement makes in effect an entire new agreement, so that a contract within the Statute of Frauds cannot be sued upon as varied by parol. But in *Stead* v. *Dawber* (10 A. & E. 57), this principle was pushed to a point which is not consistent with more recent cases, for it was held that a parol agreement to vary the day of delivery actually vacated the original contract, though, not being in writing, it furnished no new agreement to the parties. But in *Noble* v. *Ward* (14 W. R. 397, L. R. 2 Ex. 135), which was essentially identical in circumstances with *Stead* v. *Dawber*, it was held, following *Moore* v. *Campbell* (10 Ex. 323), that the original valid contract was not rescinded by the subsequent invalid contract, the implied rescission being dependent on the validity of the substituted contract; or that it was at least a question for the jury (the answer to which would not be doubtful) whether the parties intended to rescind in all events.

The principle of *Noble* v. *Ward* seems more than to cover the recent case of *Hickman* v. *Haynes* (23 W. R. 872, L. R. 10 C. P. 598). In the latter case the defendant, being unable to receive a certain delivery of iron which he had purchased of the plaintiff, requested him to hold it over, which the plaintiff consented to do; but there was no memorandum in writing. When the plaintiff afterwards required the defendant to accept delivery, and on his refusal sued for breach of the *original* contract, the defendant set up that the original contract was gone by reason of the substituted one, which again could not be sued upon for want of writing. The Court of Common Pleas disallowed the defence, holding that the original contract had never been rescinded, that the plaintiff had been in fact ready and willing to deliver according to the contract, or that at least the defendant was estopped from denying it. As Lord Coleridge, C.J., said:—"The proposition that one party to a contract should thus discharge himself from his own obligations by inducing the other party to give him time for their performance, is, to say the least, very startling"; yet certainly if *Stead* v. *Dawber* (10 A. & E. 57) is right to its whole extent this follows. For the only distinction which the court could find between *Hickman* v. *Haynes* and *Stead* v. *Dawber* was that, in the latter case, a definite day was substituted for the day originally fixed; not so in the former. But this is really no difference with respect to the observation just cited; in order to produce the "startling" result, it only needs that the defendant should, in his request for delay, have named a day when he will receive. The only way of evading *Stead* v. *Dawber* is by adopting the reasoning of *Noble* v. *Ward*, where a substituted day was definitely named, that is refusing to make the inference of fact made in *Stead* v. *Dawber*, of an absolute substitution of one contract for the other, or, in other words, of a rescission of the original valid contract by means of the subsequent invalid one; and the strange thing is, that the court seem not to have recognized the full force of *Noble* v. *Ward* in untwisting the links forged by *Stead* v. *Dawber*. The conclusion in *Hickman* v. *Haynes*, however, carries out the same principle. The result of these cases appears to be that neither a plaintiff nor a defendant can at law avail himself of a parol agreement to vary or enlarge the time for performing a contract previously entered into in writing, and required so to be by the Statute of Frauds. "But so far as this principle has any application to the present case, it appears to us rather to preclude the defendant from setting up an agreement to enlarge the time for delivery in answer to the plaintiff's demand, than to prevent the plaintiff from suing on the original contract for a breach of it. There was in truth in this case no binding agreement to enlarge the time for de-

livery." The reasoning, it is true, goes farther than the judgment, for the court, whilst referring to, without adopting, the view of Martin, B., in *Tyers* v. *Rosedale and Ferryhill Iron Company* (21 W. R. 793, L. R. 8 Ex. 305), that a stipulation for delay in delivery is not within the Statute of Frauds, (a view hardly consistent with unquestioned decisions) refer to, and adopt as applicable, the observations of Blackburn, J., in *Ogle* v. *Lord Vane* (16 W. R. 463, L. R. 2 Q. B. 275), to the effect that there was in fact no contract at all, but only a "voluntary waiting." If this is so, of course the whole defence fails; but it is plain that if the court had held that there was a contract binding but for the statute, they would have equally decided for the plaintiff.

The damages, of course, followed the rule in *Ogle* v. *Lord Vane*.

The question suggests itself, Will it make any difference whether the contract is one, like *Noble* v. *Ward*, *Moore* v. *Campbell*, and the present case, under the 17th section of the Statute of Frauds, by which the contract is not to be "allowed to be good," or under the 4th section, by which "no action shall be brought"? Can the defendant rely upon the rescinding power of a contract not actionable, but yet not declared by the statute to be more than merely not actionable? We cannot see why it should make any difference.

Apart from the consideration that the distinction between the operation of the sections, though often taken, has never prevailed, can it be said that, if in *Noble* v. *Ward* one of the parties had signed a note embodying the alteration, and the other had not, the decision would have been different, because then there would have been a contract which, according to *Reuss* v. *Picksley* (L. R. 1 Ex. 342), must have been "allowed to be good" against one of them? That cannot be, because the question was as to the implied rescission, and this must have had the consent of both parties, and the court, in effect, held that it was not a conclusion of law against either party that he had agreed to rescind, notwithstanding that he had no effectual contract substituted for the old one. And the same argument applies here, where the parties had nothing on which an action could be brought, that is no effectual contract, and therefore not that which is the basis of the implied rescission.

Reviews.

THE JUDICATURE ACTS.

THE NEW SYSTEM OF PRACTICE AND PLEADING UNDER THE SUPREME COURT OF JUDICATURE ACTS, 1873 AND 1875. By WILLIAM THOMAS CHARLEY, D.C.L. (OXON.), M.P., of the Inner Temple, Esq., Barrister-at-Law. Waterlow & Sons.

Mr. Charley has set before him what looks at first sight a most formidable task. He undertakes in his preface to annotate "every section and every rule of the new Acts," and he fulfils his undertaking. But a perusal of his work shows that the task is not quite so serious as might be supposed. There are certain mines of information which, when everything else fails, may be dug into with the certainty of finding something in some way bearing on the section or rule. The best of these are the reports of the Judicature Commissioners, which Mr. Charley has chipped into fragments of various sizes and distributed over his work. We have counted about thirty extracts from this source, and have given up the reckoning in despair. We do not mean to question the advisability of inserting an occasional reference to the basis on which the recent legislation has been framed, but we think that such extracts as that on p. 101, for instance, might have been dispensed with. We are there told, on the authority of the "First Report of the Judicature Commission, p. 10," that "each division of the Court of Chancery is presided over by a single judge, who adjudicates on all matters as a court of first instance." The reader, we believe, would have taken Mr. Charley's word for this important fact. Another source of information is Lord Selborne's speeches. From these we have counted about ten extracts. We do not deny the value of many of these addresses, but we doubt whether it was necessary (p. 93) to cite, as "*per* Lord Selborne, C., Hansard's Parliamentary Debates, &c.," the statement that under section 39 of the Act of 1873, "in the *Court of Chancery* [qy. Chancery Division] . . . . the business will, as it always has been [*sic*], conducted before a single judge." If both these resources fail Mr. Charley, there remains yet another in the formula, "This is one of the transition clauses of the Act," which we have noticed occurs about twenty times, and often constitutes the only note to the section.

But it is, of course, in the schedule to the Act of 1875 that the pinch occurs to find a note to every rule; but here Mr. Charley has hit upon an expedient which does the highest credit to his ingenuity. He not only prints the schedule to the Act of 1873 in full (in which we think he is right), but he appends to each rule in it a note showing in what part of the rules in the schedule to the Act of 1875 it is to be found. Then in the rules in the schedule to the Act of 1875 he appends notes pointing out in what part of the schedule to the Act of 1873 the particular rule is to be found. He also states in what part of the rules of court drawn up in 1874 each rule is to be found. Surely this cannot be of the least use to any one. Finally, if even this wonderful resource fails, there remains for Mr. Charley the history of the debate on the section, or some antiquarian or personal details, such, for instance, as the form of the oath of allegiance (p. 209), or the judicial duties of the Chancellor of the Exchequer, whose "robe worn on such occasions is a very splendid one" (p. 166). With matter such as this it is not very difficult to fill out a book, and nearly all this part of Mr. Charley's work might, in our opinion, be well dispensed with.

It must not be supposed, however, that Mr. Charley's notes consist altogether, or even mainly, of worthless matter. He has been at pains to collect information which is likely to be of value to the practitioner, and his notes are often useful. Those on the rules, we think, are better than those on the Acts. His cross-references are not so frequent as might be desirable, but we do not find glaring omissions under this head. He abstains, in our opinion most wisely, from the absurd criticisms and predictions in which some writers have indulged. He does not imitate the example of authors who, before a single decision has occurred on the Acts, mounting on lofty pinnacles and flapping their wings, have given utterance to mighty crows of defiance or warning with reference to changes introduced by the new procedure. The only instance which occurs to us in which he seems inclined to join this illustrious throng is in the *Notanda* (p. xxi.), where he calls the delivery of a copy of the pleadings to the officer before he enters judgment "a wholly unnecessary and expensive ceremony," an opinion in which, we think, he will not find many readers to agree with him. We observe that, at p. 194, Mr. Charley repeats the error he fell into in his letter to the *Times* with reference to the double appeal from the Admiralty Court, and on p. 312 he does not seem to be aware of the decision in *Vaughan* v. *Weldon*. Among minor inaccuracies we may be permitted to express a doubt whether the *Weekly Reporter* has reached vol. 194 (p. 48, note), and to inquire in what case a husband becomes "*cuilibet martius*" (*sic*, p. 341), so that a married woman can sue without a next friend?

The type of the part of the book relating to the Act is excellent; why the notes to the rules should have been printed in such very illegible type we cannot imagine. Running headings to the pages and a reference in the margin to the section or rule would be useful. On the whole, we think that, by a liberal use of the pruning knife, Mr. Charley might make this a valuable edition of the Acts.

Appointments, Etc.

Mr. John Black Leslie Birnie, advocate, has been appointed Resident Sheriff at Airdrie in the place of Mr. John Lees, appointed additional sheriff-substitute at Glasgow. Mr. Birnie was called to the Scotch bar in 1858.

Mr. Frederick Falkiner, Q.C., has been appointed Law Adviser to the Lord-Lieutenant of Ireland. Mr. Falkiner was educated at Trinity College, Dublin, and was called to the bar in 1852. He was made a Queen's Counsel in 1867, and he is leader of the North-East Circuit.

The Hon. Stephen Woulfe Flanagan, judge of the Landed Estates Court, has been sworn in as a member of the Privy Council in Ireland. Judge Flanagan is the son of the late Mr. Terence Flanagan, of Clogher, Roscommon, and nephew of the late Chief Baron Woulfe. He was born in 1817, and is an M.A. of Trinity College, Dublin. He was called to the Irish bar in 1838, and became a Queen's Counsel in 1859. He was appointed a judge of the Landed Estates Court in 1869. He is a magistrate for the counties of Roscommon and Sligo.

Mr. Edward Gibbon has been elected Deputy-Chairman of the Kirkdale Quarter Sessions in succession to the Right Hon. Richard Assheton Cross, M.P., who has resigned in consequence of the pressure of official duties.

Mr. John Fox Goodman, solicitor, has been appointed Master of the Crown Office, and Queen's Coroner and Attorney for Ireland, in succession to the late Mr. James Nagle. Mr. Goodman was admitted a solicitor at Dublin in 1856.

Mr. Henry Ormsby, Q.C., Attorney-General for Ireland, has been appointed to the office of Second Judge of the Landed Estates Court, which has been vacant since the death of Judge Lynch. The new judge is the son of the Rev. Henry Ormsby, Rector of Kilskeir, Neath, and was born in 1812. He was educated at Trinity College, Dublin, and was called to the bar in 1835. He became a Queen's Counsel in 1858, and a bencher of the King's-inn in 1874. In the autumn of 1868 he was appointed Solicitor-General, but within a few weeks of his appointment Mr. Disraeli's Government retired from office. He was again Solicitor-General from February till December, 1874, when he succeeded the present Lord Chancellor as Attorney-General.

Mr. Edward Hunt Roberts, solicitor, of Exeter, has been appointed a Perpetual Commissioner for taking the Acknowledgments of Deeds by Married Women for the City of Exeter and for Devonshire.

Mr. Joseph Bendle, solicitor, of Carlisle, has been elected Mayor of that city for the ensuing year. Mr. Bendle was admitted a solicitor in 1849.

Mr. George Woodbury Cockram, solicitor, of Tiverton, has been re-elected Mayor of that borough for the ensuing year. Mr. Cockram was admitted a solicitor in 1847, and is an alderman of the borough, vestry clerk of Tiverton, and clerk to the Tiverton School Board and Burial Board, and to the trustees of the borough charities.

Mr. Frederic Barlow, solicitor (of the firm of Barlow, Palmer, & Neville), has been elected Mayor of Cambridge for the ensuing year. Mr. Barlow was admitted a solicitor in 1833.

Mr. William John Hickman, solicitor and notary public, of Southampton, has been appointed Under-sheriff of the Town and County of the Town of Southampton for the ensuing year.

Mr. George Green I'Anson, solicitor, of Wakefield, has been appointed Clerk to the Justices for the Lower Agbrigg Division of the West Riding of Yorkshire, to act jointly with his father, Mr. John Moore I'Anson. Mr. I'Anson was admitted a solicitor in 1870, and is clerk to the borough justices at Wakefield.

Mr. Samuel Maples, solicitor, of Nottingham, has been appointed Deputy-Sheriff for the Town and County of the Town of Nottingham.

Mr. Philip Oxenden Papillon, barrister, of Loxden Manor, Essex, has been elected Mayor of Colchester for the second time. Mr. Papillon is the eldest son of Mr. Thomas Papillon, of Crowhurst-park, Sussex. He was educated at Rugby, and at University College, Oxford, where he graduated second class in mathematics in 1848. He was called to the bar at the Inner Temple in Hilary Term, 1852, and for five years practised on the Home Circuit. Mr. Papillon was M.P. for Colchester in the Conservative interest from 1859 to 1865, and he is an alderman of the borough, chairman of the county bench of magistrates, chairman of the Colchester Board of Guardians; a magistrate and deputy-lieutenant of Essex, and a magistrate for Sussex and the borough of Colchester.

Mr. Albert Kaye Rollit, LL.D., B.A., solicitor, of Hull, has been elected Sheriff of the Town and County of Kingston-upon-Hull for the ensuing year. Dr. Rollit is the son of the late Mr. John Rollit, solicitor, of Hull. He was educated at King's College, London, and graduated as LL.D. and B.A. at the University of London in 1866, when he obtained first-class honours and the gold medal of the University. He was admitted a solicitor in 1864, when he was a prizeman of the Incorporated Law Society. Dr. Rollit is Joint-Registrar of the Hull County Court.

Mr. George Clifton Sherrard, solicitor, of 11, Lincoln's-inn-fields, and of Kingston-upon-Thames, has been elected Mayor of Kingston for the ensuing year. Mr. Sherrard was admitted a solicitor in 1869.

Mr. Joseph Stokes, solicitor, has been re-elected Mayor of Dudley for the ensuing year. Mr. Stokes was admitted a solicitor in 1860.

Mr. Jacob Henry Tillett, solicitor, of Norwich, has been elected Mayor of that city for the ensuing year.

Mr. George Graham White, solicitor (of the firm of White & Dingley), of Launceston, has been elected Mayor of Launceston for the ensuing year. Mr. White was admitted a solicitor in 1847.

Legal News.

It is stated that Mr. G. Cavendish Bentinck, M.P., is to be the new Judge Advocate-General.

It is stated that there are only six registration appeals, and that the Court of Common Pleas will sit on Tuesday next for the disposal of the same.

It was officially announced on Thursday at Judges' Chambers that the chamber clerk of Mr. Justice Grove died on Wednesday.

It is announced that the Queen's Bench, Common Pleas, and Exchequer Divisions will sit at *Nisi Prius* in London on Wednesday, the 24th inst.

Mr. William Watson, LL.D., Solicitor-General for Scotland, has been elected Dean of the Faculty of Advocates in succession to Lord Rutherford Clark.

Mr. Justice Lush will take judgment debtors' summonses at two o'clock on Wednesday and Saturday in each week during his attendance at Judges' Chambers.

On Thursday, in the third court of the Queen's Bench, it appeared that the first and second cases in the list had been settled, but no notice had been given to the officer of the court. Mr. Justice Field censured the practice of allowing cases to remain in the list after they had been settled. He said that the practice was disrespectful to the court and caused much inconvenience to other suitors.

We are requested to announce that Mr. Montague Cookson Q.C., will deliver an address in the Hall of the Incorporated Law Society on Monday, the 22nd inst., at six o'clock p.m., on the "Judicature Acts: their History and Probable Result." Mr. Cookson was formerly lecturer to the Society in Equity and Conveyancing. In addition to the members of the society, the subscribers to the lectures, classes, and library will be admitted.

A deputation from the Trades Union Congress, who waited on the Chancellor of the Exchequer on Thursday, complained of the manner in which county court judges issued summonses out of their jurisdiction against societies. The Chancellor of the Exchequer is reported to have said that he was afraid that he could not help the want of acquaintance of the county court judges with the law, but, he added, it might awaken their attention if he stopped their salaries.

Courts.

JUDGES' CHAMBERS.*

(Before Lush, J.)

Nov. 2, 5.—*Ramsden* v. *Brearley.*

Interrogatories—Discovery—Action for libel—Judicature Act 1873, s. 24, sub-section 7; s. 22—6 & 7 Will. 4, c. 76, s. 19.

Discovery of the name of the printer or publisher of a newspaper, which under 6 & 7 Will. 4, c. 76, s. 19, before the passing of the Judicature Acts, could have been obtained in equity by filing a bill of discovery, can now be obtained by interrogatories in any cause before the High Court of Justice, although the cause may have been entered for trial before the Judicature Acts came into operation.

This was an action by the plaintiff against the publisher of the *Standard* newspaper, for an alleged libel in that paper; and the present application to his lordship was for leave to administer interrogatories to the defendant. The interrogatory which was objected to, and which, as will be seen, was allowed by the learned judge, is as follows:—Were you, on the 22nd of November 1874, the printer or publisher, or both, of the *Standard* newspaper?

W. P. Macdonald, appeared for the plaintiff;

Warburton Pike, for the defendant.

Lush, J.—The question in this case is whether the plaintiff is entitled to an order for administering interrogatories to the defendant for the purpose of discovering whether he was or was not, at a given date, the printer and publisher of the *Standard* newspaper. The action, which is for an alleged libel in the paper, was brought many months ago, and was entered for trial at the sittings after last Trinity Term, but not having been reached it stands in the list of *remanets* for trial at the present sittings. The defendant's plea is "Not Guilty." Whether the plaintiff could have obtained permission to put this interrogatory from the Court of Queen's Bench under the law as it stood up to the 1st of November inst., is at least doubtful. She was advised that she could not, and she did not therefore make the application. But she clearly had the right to a discovery in equity by virtue of 6 & 7 Will. 4, c. 76, s. 19, which is still in force (see 32 & 33 Vict. c. 34), and which enacts—"That if any person shall file any bill in any court for discovery of the name of any person concerned as printer, publisher, or proprietor of any newspaper, or of any matter relating to the printing or publishing of any newspaper, in order the more effectually to bring or carry on any suit or action for damages alleged to have been sustained by reason of any slanderous or libellous matter contained in any such newspaper respecting such person, it shall not be lawful for the defendant to plead or demur to such bill, but such defendant shall be compelled to make the discovery required; provided always that such discovery shall not be made use of as evidence or otherwise in any proceeding against the defendant, save only in the proceeding for which the discovery was made." The plaintiff did not avail herself of the remedy thus provided, by reason, as she alleges, of her inability to bear the expense of it. It must be taken, upon the statement made to me, that she has a difficulty in proving the fact that the defendant was the printer and publisher, and that the discovery sought will enable her "more effectually" to carry on her action. The questions are, first, the general one—Can a plaintiff in an action brought in the High Court of Justice have the benefit of this enactment by any form of proceeding in the division to which the action belongs? and, second, if it could be granted in such an action, Can it and ought it to be applied to an action brought and entered for trial before the Judicature Acts came into operation? I cannot entertain a doubt upon either of these questions. As to the first, the Court of Chancery no longer exists as a separate tribunal. It has become a constituent part of the High Court of Justice, each division of which is invested with equal authority and with the entire jurisdiction of the whole court. The 24th section of the Act of 1873 was designed to meet such cases as this. It enacts in sub-section 7—"That the High Court of Justice, in any cause or matter pending before it, shall have power to grant and shall grant all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any legal or equitable claim, properly brought forward by them respectively in such cause or matter, so that as far as possible all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided." The proceeding by bill of discovery, pointed out by the Act of Will. 4, has also been abolished; but the Judicature Acts were not intended to abolish, nor have they the effect of abolishing, the right of discovery which it gives. That right still exists. The procedure substituted by the Acts for the bill of discovery is an action in the High Court; but that, by the hypothesis, has been already brought. By the express language of the section just quoted, the remedy is to be granted as a proceeding in that action, and in order to carry out the policy of the Act, it must be granted, by that division of the High Court which has seisin of the cause, so as to "avoid multiplicity of legal proceedings." To hold that the suitor must go elsewhere for it would be to defeat the primary objects of the Acts. I am, therefore, of opinion that in the case supposed a plaintiff would be entitled to the discovery now sought, and that the appropriate form of remedy is by administering interrogatories. The protection afforded to a defendant will, by the Act of Will. 4, attach to the answer which he makes to this interrogatory, as it would have attached to the answer to the bill of discovery. The second point is provided for by the 22nd section of the Act of 1873. By that section the High Court is to have "the same jurisdiction in relation to pending actions as if the same had been originally commenced therein;" and it goes on to say that, "so far as regards the form and manner of procedure, such causes may be continued and concluded either in the same or the like manner as they would have been continued and concluded in the court from which they shall have been transferred, or according to the ordinary course of the High Court of Justice (so far as the same may be applicable thereto), as the court may think fit to direct." It is clear that if the Judicature Acts had not passed the plaintiff might now have filed a bill of discovery, and no reason has been suggested why she should be deprived of the substituted remedy here. The defendant will not be in a worse position by being required to answer the interrogatory than he would have been if such a bill had been filed. I therefore direct that this action be continued according to the course of the High Court of Justice, and allow the interrogatory. As the trial may come on at the latter end of the next week, and as the question is one which will require no time, and will put the defendant to no inconvenience to answer, I must require him to file his answer on or before Monday next.

Solicitor for the plaintiff, *A. Howard.*

Solicitor for the defendant, *Riches.*

Nov. 5.—*Atkinson* v. *Ellison and Another.*

After delivery of declaration, new procedure ordered to be adopted, on affidavit of counter-claim, the declaration being allowed to stand as a statement.

This was an action brought to recover rent under a deed of under-lease. The declaration was delivered before the 1st of November. Subsequently a summons was taken out by the defendants calling upon the plaintiff to show cause why all matters in dispute should not be referred to arbitrators named in the deed, and why all further proceedings in the cause, if any, should not be continued and concluded according to the ordinary course of the High Court of Justice.

Bowen, appeared to support the summons, and

F. Turner, showed cause.

The first part of the summons as to referring matters in dispute being decided against him, *Bowen* handed in an affidavit stating that the defendant had a cross-claim with regard to the breach of covenant in the underlease, and urged that, under the Judicature Act, this could be set off against the claim of the plaintiff.

Lush, J.—The affidavit does not state the counter-claim very clearly, but I shall direct that the action shall be continued according to the ordinary course of the High Court of Justice.

F. Turner.—Will the declaration have to be amended, and made a statement of claim?

Lush, J.—The declaration may stand as a statement.

Solicitors for the plaintiff, *Walters, Young, & Co.*

Solicitor for the defendant, *F. T. Dubois.*

* (Reported by A. H. Bittleston, Esq., Barrister-at-law.)

Nov. 5.—*Campbell and another* v. *Im Thurn and Others.*

Ord. 16, r. 3.—The trustee appointed to distribute a composition among creditors of acceptors of a bill of exchange will not be joined as a party in an action by the indorsee against the acceptors.

This was an action by the plaintiffs as indorsees against defendants as acceptors of a bill of exchange, under the Bills of Exchange Act, leave having been given to the defendants to appear. The declaration was delivered on the 1st of November. A summons was taken out by the defendants for the purpose of having the proceedings carried on under the new Act.

Holl, appeared to support the summons.—He first applied that, under ord. 16, r. 3, of the Judicature Act, 1875, Mr. J. Young should be joined as a defendant in the action. Messrs. J. C. im Thurn & Co. having suspended payment, and their creditors having agreed to accept a composition, Mr. J. Young was appointed trustee. The bill upon which the action was brought was for £1,373 3s. 11d., and was drawn for account of Messrs. Cloetta & Schwarz. On the failure of J. C. im Thurn & Co., two bills for £600 and £786 19s. were sent as cover by Messrs. Cloetta & Schwarz, to the holders of the bill, Finlay, Campbell, & Co. The bill for £786 19s. was duly paid at maturity, but the bill for £600 was dishonoured. Cloetta & Schwarz have now also failed. The plaintiffs refused to take the composition and Young refused to pay more.

Lush, J.—The plaintiffs could not sue Young, and Young has no interest in the suit. There is no privity between them.

Holl, read the opinion of Mr. Benjamin, Q.C., recommending an application to be made for an order for the joinder of the trustee as defendant.

Lush, J.—I can make no order that the trustee should be joined as a defendant. There is a clause in the Judicature Act that says that the procedure under the Bills of Exchange Act shall be unaltered. I doubt whether that applies to the procedure after the declaration is delivered. I shall not, however, decide that now; all further proceedings in the cause may be continued and concluded according to the ordinary course of the High Court of Justice.

Nov. 6, 8.—*Milissich* v. *Lloyd's.*

Ord. 36, r. 6—Application that separate issues might be tried separately refused.

This was a summons taken out by the defendants calling upon the plaintiff to show cause why all further proceedings in the action should not be according to the new procedure, and why all further proceedings under the order for the commission should not be stayed until after the trial of the issues arising upon the pleas of not guilty, and justification, the defendants submitting to any order the court might make as to assessment of damages.

Mathew, appeared to support the summons.

J. M'Leod, showed cause.

The action was one for libel relating to policies of insurance, and the facts were as follows:—Vouchers were laid before the underwriters at Lloyd's by a man named Guerra, in which the sum of £140 had been substituted for that of £28. Guerra was prosecuted and convicted. At the trial of Guerra the prosecuting counsel stated that the plaintiff Milissich and another person named Ghitaberti had conspired with the prisoner to commit the fraud. A report of the trial was printed and circulated in the form of a pamphlet by Lloyd's, and that report contained the charge above alluded to, which was the alleged libel. The defendants pleaded not guilty, and justification. An order had been obtained by the plaintiff for a commission to issue for the examination of certain persons at Venice.

Mathew.—The interrogatories are simply directed to character. The ground of my application is that the question of damages stands apart from the question of fact, and that the new rule, therefore, applies. Let us ascertain whether there is a libel at all, before we go into the question of damages. The interrogatories seem to be directed simply to the question whether certain persons had not known and dealt with the plaintiff, and whether they had not ceased to deal with him in consequence of the pamphlet containing the libel.

M'Leod.—It would be very hard on Milissich if the evidence was confined to what could be procured in this country, as there might then be a strong case against him. The interrogatories are not confined to the question of damages, their object being also to prove the fact of publication in Venice.

Lush, J.—I must see that the plaintiff is not prejudiced by having this isolated fact tried. Subject to that and to my seeing the interrogatories, I should be inclined to grant the order. Send me the interrogatories and I will decide on Monday.

Nov. 8.—Lush, J.—I cannot make the order. I do not think that I could in this case separate the question of damages from the question of fact without injury to the plaintiff.

Nov. 10.—*Hall* v. *Smith.*

Ord. 58, r. 10.—Enlarging time for appeal from refusal of rule.

This was an action for damages by a builder against a clergyman for not allowing him to finish a building, in which a verdict was given for the plaintiff for £120. A rule for a new trial on the ground of misdirection had been moved for and refused. Application was now made to the learned judge under the above rule to enlarge the four days within which such refusal should be appealed against. The ground of the application was that the Court of Appeal were not yet prepared to hear appeals of this nature; and it was said that they proposed to make a rule establishing one day a week for these motions.

Lush, J.—The plaintiff says he is willing to pay the money into court; I will, therefore, stay the defendant's hand for a fortnight to enable the plaintiff to appeal if he pays into court this week £240.

Nov. 10.—*Luscher* v. *Comptoir d'Escompte de Paris.*

Judicature Act, 1873, s. 25, sub-section 8; Judicature Act, 1875 ord. 52, rr. 2, 3, 4.

This was an action by Luscher & Co., merchants, against the Comptoir d'Escompte de Paris for money paid. The present was an *ex parte* application under the above provisions of the Acts for money to be paid into court, pending a summons calling upon the other party to show cause why an injunction should not be issued restraining the defendants from paying away money in their hands which the plaintiffs claimed. The plaintiffs were the consignees of 428 bales of palm leaves; the bill of lading being in the hands of the defendants, the plaintiffs, who were entitled to it, claimed it from them. The consignor, however, had become bankrupt, and the defendants claimed the bill of lading on behalf of the Bank of Algiers, and refused to give it up until the plaintiffs paid the sum of £538 4s. 2d. Finally, the plaintiffs paid what they demanded under protest; and it was to recover this sum that the action was brought.

Bremner, supported the application.

Lush, J.—I cannot order the holder of the money to pay it into court unless he wishes to do so. Some person has wrongfully withheld your bill of lading, and you have a claim against him for the money you have paid. It is not your money, though you have a claim against them; and I have no power to direct them what to do with their money.

No order.

Friday, Nov. 5.—Application for Leave to deliver Declaration drawn before the 1st of November Refused.—This was an application for leave to deliver a declaration which had been drawn but not delivered before the 1st of November. The action was one of demurrage on two charter-parties.

Lush, J.—The declaration should have been delivered before. It is extremely desirable on all accounts to bring the new Act into operation as soon as possible. This is a matter of considerable length, the statement of which will, by the new rules, have to be printed. I cannot make this an exception to the order that after the 1st of November no declaration should be delivered.

Amendment of Indorsement on Writ Before Service.—An application was made to the judge as to whether his

order was necessary in order to amend the indorsement of a writ not yet served. The indorsement on a writ under the Judicature Act may, in certain cases, be treated as the statement of claim. The judge directed the applicant to take an order.

DISCOVERY OF DOCUMENTS—ORD. 31, R. 12.—Under the above rule an order will not be given, as of course, but a summons must be taken out.

TRANSFER—ORD. 51, R. 1.—In an action upon an agreement to take a house, which was said to be an offshoot of an administration suit now pending, an application was made for the case to be sent over to the Chancery Division, to be tried conjointly with the administration suit. His lordship said that he had no power to make the order, as the Lord Chancellor alone could give permission for the transfer.

RENEWAL OF WRIT—ORD. 8, R. 1.—Application having been made to the officer to renew a writ issued in 1874, and duly renewed at intervals of six months, he declined to renew it without an order from the judge.

LUSH, J.—My impression is that the writ will never require an order for its renewal. The rule applies only to writs issued under the Act.

Saturday, Nov. 6.—SERVICE OUT OF THE JURISDICTION—ORD. 11, RR. 1, 3.—This was an application for leave to serve a writ upon a defendant in Scotland, supported by an affidavit.

LUSH, J.—You do not show either that the contract was made within the jurisdiction, or that it was broken within the jurisdiction. Ord. 11, r. 1, of the Act says nothing about place of performance. You must amend your affidavit; you had better show where the parties signed the contract.

INTERROGATORIES—ORD. 31, R. 1.—A summons had been taken out under the above rule, after the close of the pleadings, calling upon defendant to answer interrogatories. Issue was joined before November 1.

LUSH, J.—Where it is sought to administer interrogatories after the pleadings are at an end, the practice under the new system does not differ from that under the old. As at present advised, I shall require an affidavit.

RESTRAINING ACTION — ORDER TO REFER TO TAXATION—JUDICATURE ACT, 1873, S. 24, SUB-SECTION 5.—An application having been made to the Master of the Rolls to make an order to refer for taxation the costs in a suit, and in the meantime to restrain a common law action now pending, he said that he would make the order to refer, but had now no power to stay proceedings at common law. An application was now made for an order to stay proceedings in the action. It was stated that the courts of equity under the old system always restrained proceedings at law on granting an order to refer for taxation of costs.

LUSH, J.—It seems to me that whatever division of the court makes the order, that division should restrain the action. This order, as I understand it, is not an injunction within the meaning of the Act. It is part of the order to tax. Another application can be made to the Master of the Rolls, and if he still declines, I will consider the case again.

COUNTER-CLAIM AFTER ISSUE JOINED—ORD. 19, R. 3.—This was an application to add a counter-claim to pleadings after issue joined. The action was one for goods sold and delivered, and the defence was one of fraud as to the nature of the goods. No cross-action had been commenced; the defendant had not returned the goods; and there had been part payment. Consequently, the defendant apprehended a difficulty in setting up prompt repudiation at the trial, and therefore desired to add a counter-claim under the above rule.

LUSH, J.—If the allegation is well founded, there is in this case ground for a counter-claim. I will adjourn the case for defendant's affidavit.

Monday, Nov. 8.—SPECIAL CASE—ORD. 34, R. 2.—This was an application for a special case to be stated under the above order. The action was one of trover against the South-Western Railway Company. Goods in packing cases were sent to Wooley *vid* the South-Western Railway; when they arrived at Twickenham, where the consignee lived, he was unable to pay the charges, and the company kept the cases. It was stated in defendants' affidavit that the consignee on being told that the goods were at the station, said that he could not take them at present, but it was of no consequence as they contained pieces of marble. The plaintiff's case was that the goods were stopped *in transitu* without notice to the consignee. The defendants' case was that immediately on the goods arriving at Twickenham notice was given to the consignee.

LUSH, J.—It must go to a jury. If there was any doubtful point of law the case would be different. You dispute the time when the goods arrived and their value. The legal liability depends on facts that must be tried before a jury.

WITHDRAWING RECORD—RE-ENTERING—ORD. 23.—An application was made for an order to withdraw the record in an action for breach of promise of marriage. It was stated that the parties reside in Ireland, and that negotiations were going on for a settlement. The cause stands for trial on Wednesday.

LUSH, J.—The intention of this provision is that you should not be at liberty to withdraw the record and to re-enter it without leave. I will give the order, but it is not to be re-entered without leave.

POWER TO DIRECT TRIALS BEFORE REFEREES—JUDICATURE ACT, 1873, S. 57.—This was an application for an order to refer the cause in question to a special referee. The action was one of negligence brought by trustees against their solicitors. The trustees had been allowed by the defendants to advance their money on mortgage of a property which the defendants reported favourably on in 1869. In 1870 the property produced no rent, and the trustees took it into their own hands. Sixteen breaches were alleged, such as not following counsel's opinion, &c. The particulars of claim included the gross amount advanced, interest on that amount, and various items of expenditure on the property. An objection was taken that there was no power to make the order unless the defendants admitted their liability, and reference was made to the Act of 1875, s. 22.

LUSH, J.—That is only a modified restoration of the bill of exceptions; it does not touch the reference clause at all.

It was then urged on behalf of the plaintiffs that the case was just coming on for trial; and on the other side it was pointed out that the Act had only just come into force, and could not before have been taken advantage of.

LUSH, J.—I should under any circumstances feel a difficulty in interfering when a cause is on the point of being tried. But my power is limited by the Act to making the order asked for in causes where "any prolonged examination of documents or accounts, or any scientific or local investigation" is required; and here the question of accounts is quite a subordinate one, and with regard to prolonged examination of documents I can make no order.

INTERROGATORIES—ORD. 31, R. 5.—This was a summons to strike out interrogatories delivered by the plaintiffs under the Act, and therefore without an order, in an action upon a contract to deliver milk to the defendants. The breach alleged in the declaration was non-delivery; and there was a second count alleging that the milk supplied was of inferior quality to that contracted for. The interrogatories chiefly objected to were as follows:—Who skimmed the milk that was supplied to us? Was it habitually or occasionally done? &c.

LUSH, J.—I feel it is quite necessary to keep a strong hand on the interrogatories now. I was very much afraid that the power given by the Act would be abused, and this is an abuse. The interrogatories will be disallowed; and the costs are to be the defendants' in any event.

Tuesday, Nov. 9.—DISCOVERY OF DOCUMENTS—ORD. 31, R. 12.—An application was made to the judge under the above rule for an order for discovery of documents. The declaration had been delivered before November 1.

LUSH, J.—The old practice is to go on until the close of the pleadings in actions begun before the Act came into operation. An affidavit is, therefore, necessary in this case.

No order.

APPLICATION TO PROCEED UNDER THE JUDICATURE ACTS.—In this case the declaration had been delivered before November 1. The action was upon an agreement, which was set out in the declaration, and breach alleged; there were also the usual money counts. The plaintiffs had a claim under the agreement for £20 against the defendants. The defendants' case was that they were agents, and they desired to proceed under the Acts, as they would then be able to make their principal a defendant in the action. It appeared that it was doubtful whether there was any contract in writing at all.

LUSH, J.—I will grant your application. You can serve a statement of defence, instead of pleas, but I do not at present say that you can make your principal a party in the action.*

* His lordship has stated that in cases similar to the above, an order will not be given, but simply a direction how to proceed.

Wednesday, Nov. 10.—SIGNING JUDGMENT IN ACTIONS OF EJECTMENT.—An *ex parte* application having been made yesterday to his lordship, questioning the correctness of the decision of the masters of the Exchequer, that they could not, under the Act, sign judgment in action of ejectment, after due service of writ and default of appearance, without an order, he postponed his decision until to-day for the purpose of consulting with the masters, intimating at the same time that he thought an order would be necessary. This morning his lordship gave the following decision:—The service of a writ in the manner prescribed by ord. 9, r. 8, will not entitle the plaintiff in an action of ejectment to sign judgment without an order; r. 112 of Hilary Term, 1853, remains in force.

INJUNCTION.—An application was made for an injunction to restrain paying away money.

LUSH, J.—I shall follow the chancery practice, and grant it without an affidavit.

DECLARATIONS DELIVERED ON NOVEMBER 1.—An application was made to the judge under these circumstances: two declarations had been delivered on November 1; subsequently, in one case, directions were given to proceed under the Act; in the other directions were given to proceed under the old system.

LUSH, J.—You might have come for a direction, if you were in doubt as to whether to deliver declarations or statements of claim. If you had read the Act you would have seen that pending actions might have been continued, either according to the old or the new practice, as the court might direct. I shall not alter the directions that have been given.

Societies.

LAW STUDENTS' DEBATING SOCIETY.

At a meeting of this society, held on Tuesday evening, at the Law Institution, the question appointed for discussion was—"Are the Judicature Acts likely to prove beneficial?" A motion for adjournment on the ground that the members were not sufficiently acquainted with the details of the Act, and had, as yet, had no opportunity of observing its practical working, was negatived by a large majority. The question was fully discussed, and ultimately carried in the affirmative.

Law Students' Journal.

ADMISSION OF SOLICITORS OF THE SUPREME COURT.

MICHAELMAS SITTINGS, 1875.

The Master of the Rolls has appointed Wednesday, the 1st of December, 1875, at the Rolls Court, Chancery-lane, at half-past three o'clock in the afternoon, for swearing in solicitors.

Every gentleman desirous of being sworn in on the above day must, before the 25th of November, leave his articles and any assignment thereof, together with the affidavit of due service thereunder and the examiner's certificate, and also a form of admission, duly stamped with the revenue stamp of £25 and a fee fund stamp of £5, at the Petty Bag Office, Rolls-yard, Chancery-lane.

Gentlemen will much facilitate business by leaving papers as soon as possible after obtaining the examiner's certificate.

Petty Bag Office, Nov. 9.

Court Papers.

CHAMBERS OF THE MASTER OF THE ROLLS.

NOTICE.

The Master of the Rolls directs that, subject to any special order which may be made in any cause, matter, or proceeding, pending in his court on the 1st of November, 1875, the following course of procedure shall be adopted:—

That all causes, matters, and proceedings, except causes (not being short causes) in which neither notice of motion for a decree had been served, nor replication been filed, before the 1st of November, 1875, shall, so far as relates to the form and manner of procedure, be continued and concluded in the same manner as they would have been in the High Court of Chancery.

That all such pending causes (not being short causes), in which, up to the 1st of November, 1875, no notice of motion for a decree had been served, or replication filed, shall be continued in the same manner as they would have been continued in the High Court of Chancery, up to the time at which such notice of motion or replication would have been served or filed, and shall from that period be continued according to the ordinary course of the High Court of Justice.

That any party to a pending cause may apply by summons at chambers that for special reasons a direction may be given for continuing such cause according to the ordinary course of the High Court of Justice.

GENERAL RULES AND REGULATIONS

As to the Preliminary, Intermediate, and Final Examination and Admission of Persons intending to become Solicitors of the Supreme Court; the taking out and renewal of their Certificates, and as to Re-admission of Solicitors and Custody of Documents.

(*Continued from page* 16.)

"And as regards section 9 of the last-mentioned Act the Presidents of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, jointly with the Master of the Rolls, may from time to time if they see fit make regulations for the examination of persons now bound or hereafter becoming bound under articles of clerkship as aforesaid at such time or period of their service as the said judges may think fit and direct, in order to ascertain the progress made by such persons in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors, and such examination shall be conducted by the examiners appointed under the Act of the 6th and 7th years of the reign of her present Majesty, cap. 73, or such other examiners as the said judges may from time to time appoint in this behalf, and the said judges may, by regulations in the case of persons who fail to pass such examination to the satisfaction of the examiners, postpone either for a definite time or such time as the said examiners may in each case think proper, and either conditionally or otherwise, the examination required to be passed at the expiration of the term of service under articles and before admission."

"And as regards section 23 of the same Act, if any solicitor of the Supreme Court, after having at any time taken out a stamped certificate, shall, for the space of a whole year from and after the expiration thereof, have neglected to renew the same for the following year, the registrar shall not afterwards grant a certificate to such solicitor, except under an order of the Master of the Rolls, and it shall be lawful for the Master of the Rolls to direct the registrar to issue a certificate to such person upon such terms and conditions as he shall think fit.

"And as regards every other enactment relating to attorneys, and every declaration, certificate, or form required by or with reference to such enactment, the same respectively shall be read as if the words 'Solicitor of the Supreme Court' were inserted in such enactment, declaration, certificate, or form, in lieu of the word attorney."

Now we, the Right Honorable Sir Alexander James

Edmund Cockburn, Baronet, Lord Chief Justice of England, the Right Honorable Sir George Jessel, Master of the Rolls, the Right Honorable John Duke Baron Coleridge, Lord Chief Justice of the Common Pleas, and the Right Honorable Sir Fitzroy Kelly, Lord Chief Baron of the Exchequer, as to those of the several orders intended to be hereby made which do not require the concurrence of the judges of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, or any five or more of them; and we, the said Sir Alexander James Edmund Cockburn, Sir George Jessel, John Duke Baron Coleridge, and Sir Fitzroy Kelly, and the Honorable Sir Robert Lush, one of the judges of the Queen's Bench Division of the High Court of Justice, the Honorable George Denman, one of the judges of the Common Pleas Division, the Honorable Sir Richard Paul Amphlett, one of the judges of the Common Pleas Division, the Honorable Sir Nathaniel Lindley, one of the judges of the Common Pleas Division, and the Honorable Sir John Richard Quain, one of the judges of the Queen's Bench Division, as to those of the several orders intended to be hereby made which require the concurrence of the judges of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, or any five or more of them, do hereby, in pursuance of the powers contained in the hereinbefore mentioned enactments relating to attorneys and solicitors, and so adapted as aforesaid, order as follows:—

As to the Preliminary and Intermediate Examinations of Persons intending to become Solicitors of the Supreme Court.

Every person so intending to become a solicitor shall, before being bound under articles of clerkship to a solicitor, pass a preliminary examination in general knowledge, and shall, after becoming bound under articles and during his service under such articles, pass an intermediate examination to ascertain the progress made by him in acquiring the knowledge necessary for rendering him fit and capable to act as a solicitor of the Supreme Court.

Every such preliminary examination shall be conducted by special examiners, to be from time to time appointed by the Presidents of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice (who are hereafter called "the said chiefs") jointly with the Master of the Rolls, and shall be so conducted subject to the regulations contained in the 1st schedule hereto or under such other regulations as shall be submitted to and approved by the said chiefs and the Master of the Rolls. And every such intermediate examination shall be so conducted by the persons for the time being appointed examiners for conducting the final examination required to be passed by persons intending to become solicitors, and shall be conducted at the place appointed for holding such final examination, and subject to the regulations contained in the 2nd schedule hereto, or under such other regulations as shall be submitted to and approved by the said chiefs and the Master of the Rolls.

The order hereby made as to preliminary examinations is made subject and without prejudice to the power given to the said chiefs and the Master of the Rolls, or any one or more of them, by section 8 of the Act of Parliament of the 23rd and 24th years of the reign of her present Majesty, cap. 127, of dispensing under special circumstances with the regulations as to such preliminary examination. And the order hereby made as to preliminary examination shall not apply to any person having taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, or the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws in any of the Universities of Scotland, none of such degrees being honorary degrees, or who shall have been called to the degree of Utter Barrister in England, or who shall have passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who shall have passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the New Oxford and Cambridge School Examination Board, or one of the matriculation examinations at the Universities of Dublin or London (notwithstanding he may not have been placed in the first division of such matriculation examination), or the examination for the first-class certificate of the College of Preceptors incorporated by Royal charter in 1849.

And every person who shall be exempt from such preliminary examination by reason of his having passed the first public examination before moderators at Oxford, or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or the matriculation examination at the Universities of Dublin or London, being placed in the first division of such matriculation examination, shall be entitled to the benefit of the 5th section of the last-mentioned Act of Parliament (23 & 24 Vict. c. 127).

Any person claiming to be exempt from the preliminary examination, or claiming the benefit of the said 5th section, shall, before he shall be entitled to such exemption or benefit, produce to the Registrar of Solicitors a *testamur*, certificate, or other satisfactory evidence, showing his right to such exemption or benefit.

The following persons are hereby appointed special examiners for conducting the preliminary examination until the 31st day of December, 1876 (namely):—

Christopher Knight-Watson,
Marian Gunther William Fischer,
Girolamo Volpe,
Victoriano Carrias.

As to the Final Examination before Admission of Persons intending to become Solicitors of the Supreme Court, and as to their Admission.

Every person before he shall be entitled to be admitted shall comply with the several regulations contained in the 3rd schedule hereto, and the final examination previous to admission shall be conducted by the examiners under the regulations in that behalf contained in the same 3rd schedule, or under such other regulations as shall be submitted to and approved by the said chiefs and the Master of the Rolls.

Until the offices of masters of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice shall be abolished, the several masters for the time being of those divisions shall be *ex-officio* examiners; and the other examiners for conducting the final examination shall be twenty solicitors of the Supreme Court, to be nominated or appointed by the Master of the Rolls jointly with the judges of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, or with any eight or more of them, of whom the presidents or chiefs of such divisions shall be three.

Any six of the examiners, one of whom shall be an *ex-officio* examiner, shall be competent to conduct the examination.

The following persons (namely):—

Francis Thomas Bircham, Richard Boyer, Ebenezer John Bristow, Barnard Platts Broomhead, William Strickland Cookson, Robert Richardson Dees, Charles John Follett, William Ford, Clement Francis, Frederick Halsey Janson, William Alfred Jevons, Grinham Keen, Benjamin Greene Lake, Charles William Lawrence, Henry Markby, Park Nelson, Henry Watson Parker, William Benjamin Paterson, Henry Leigh Pemberton, Cornelius Thomas Saunders, shall be the first examiners (other than the *ex-officio* examiners) for conducting the final examination, and shall hold their office until the 31st day of December, 1876.

The examiners (other than *ex-officio* examiners, and other than the examiners hereinbefore appointed) shall hold their office by virtue of such appointment for one year only, but they, or any of them, shall be eligible for re-appointment, and the examiners (other than *ex-officio* examiners) shall be nominated and appointed annually.

In case the offices of masters of the said divisions of the High Court of Justice shall be abolished, or no one of the masters shall be able to act as an *ex-officio* examiner, the Master of the Rolls, jointly with the judges of the said divisions, or any eight or more of them, of whom the said chiefs shall be three, may from time to time nominate some duly qualified officer of the court to act as an *ex-officio* examiner for one year, or any less period, and such officer shall not, by reason of his having acted as an *ex-officio* examiner, be ineligible for re-appointment as such.

Subject to appeal, as hereinafter mentioned, no person shall be admitted to be sworn a solicitor of the Supreme Court, except on production of a certificate, signed by the major part of the examiners actually present at and conducting his examination, testifying to his fitness and capacity to act as a solicitor of the Supreme Court, and in the usual busines

transacted by a solicitor; and such certificate shall be in force for the period of six months next after the date thereof, and no longer, unless such period shall be specially extended by the order of the Master of the Rolls.

Any person who shall have been refused such certificate, and who shall object to such refusal, whether on account of the nature or difficulty of the questions but to him by the examiners or on any other ground whatsoever, shall be at liberty, within one month next after such refusal, to apply for admission, by petition in writing, to the Master of the Rolls. Such petition shall be presented at the Petty Bag Office without the payment of any fee, and a copy of such petition shall be left therewith, and shall be delivered by the Clerk of the Petty Bag to the secretary of the Incorporated Law Society of the United Kingdom, and the Clerk of the Petty Bag shall also notify to such secretary the day appointed for the hearing of the petition. Such petition shall be heard by the Master of the Rolls on such day after the end of fourteen days from the day on which such petition shall be presented, and at such time as he shall appoint; and the Master of the Rolls shall, upon hearing such petition, make such order as to him shall seem meet. The Clerk of the Petty Bag shall, on receiving such petition, notify the same to the registrar of solicitors.

The intermediate and final examinations shall be held in the hall or building of the Incorporated Law Society of the United Kingdom (the said society having allowed the same to be used for that purpose), on such days in January, April, June, and November, as the said examiners, or any six of them, shall appoint; and any person (not previously admitted an attorney or a solicitor of the Court of Chancery, or of the Supreme Court) who shall be desirous of being admitted a solicitor of the Supreme Court, shall give notice in writing, signed by himself or his agent, six weeks at least before the first day of the month in which he shall propose to be examined, of his intention to apply for examination, by leaving such notice with the secretary of the said society at their said hall, which notice shall also state his place or places of residence and service for the last preceding twelve months.

As to re-admission, and the taking out and renewal of Certificates.

On an application to re-admit a solicitor of the Supreme Court who has been struck off the roll, or on an application to take out or renew the annual certificate of a solicitor, the applicant shall, six weeks before the application is intended to be made, give notice thereof as in the case of an original admission, and the affidavits in support of such application shall be filed at the Petty Bag Office, and a copy thereof shall at the same time be left with the Clerk of the Petty Bag, to be delivered by him to the registrar of solicitors, and the order for such re-admission, taking out, or renewal, shall (if made) be drawn up (as the Master of the Rolls shall direct) on reading such affidavits, and an affidavit of such copies having been left and notices given in conpliance with this order.

Upon an application to dispense with the required notice of intention to take out or renew a certifieate, a summons shall be served on the registrar of solicitors calling on him to show cause within ten days why such taking out or renewal of certificate should not be allowed; and if no cause be shown to the satisfaction of the Master of the Rolls, he may, if he shall think proper, make an order for allowing such certificate to be issued.

Any application for re-admission shall be by petition to the Master of the Rolls to be presented at the Petty Bag Office without the payment of any fee, and a copy of such petition shall be served on the registrar of solicitors not less than fourteen days before the same shall be heard. On hearing such petition the Master of the Rolls may dispose of the same, or if he shall think fit may refer the same to any other division of the High Court of Justice.

All applications to dispense with any rule or rules as to any re-admission or taking out or renewal of certificates, shall be made to the Master of the Rolls in such manner as he shall from time to time direct.

All orders made by the High Court of Justice or the Court of Appeal, or any division or judge thereof, for striking any solicitor off the roll, or for suspending any solicitor from practice, or for re-admitting any solicitor or restoring the name of any solicitor to the roll, or for altering the name of any solicitor on the roll, or for any other purpose involving any alteration in or addition to the roll of solicitors of the Supreme Court, shall be filed with the Clerk of the Petty Bag, who shall thereupon make such entry on or alteration in the said roll as may be directed by such order, and inform the registrar of solicitors thereof.

As to Custody of Rolls and Documents.

The Clerk of the Petty Bag shall have the custody and care of the rolls or books wherein persons are and shall be enrolled as solicitors of the Supreme Court, and shall be the proper officer for filing all affidavits, and enrolling and registering all contracts or articles, and assignments of articles, relating to the admission of solicitors of the Supreme Court, and shall have and retain the custody of all books, affidavits, and documents relating to attorneys or solicitors, which now are or should be in the custody of the masters of the late several courts of law at Westminster, or which now are or should be in his own custody as Clerk of the Petty Bag.

Provisions as to Notices, &c., already given.

The orders hereby made as to preliminary examination shall not apply to persons who, under the orders for the time being in force, shall have passed a preliminary examination, or been articled after due exemption from such preliminary examination, prior to the date of the orders hereby made; but such preliminary examination or exemption shall be deemed to have been a preliminary examination or exemption in pursuance of or subsequently to the orders hereby made.

And the orders hereby made as to intermediate examination shall not apply to persons who, under the orders for the time being in force, shall have passed an intermediate examination prior to the date of the orders hereby made; but such intermediate examination shall be deemed to have been an intermediate examination in pursuance of these orders.

And the orders hereby made as to final examination before admission shall not apply to persons who, under the orders for the time being in force, shall have passed a final examination prior to the date of the orders hereby made; but such final examination shall be deemed to have been a final examination in pursuance of these orders.

And as regards all persons now under articles, and who have not yet passed the intermediate or final examinations, all notices given, and examinations to be made, in pursuance of such notices, and the subjects notified as the subjects for examination, shall respectively be deemed to be notices, examinations, and subjects, given, made, and notified respectively, under and in pursuance of the orders hereby made; but subject thereto the examination and admission of all such persons shall be made in accordance with the orders hereby made.

And as regards the preliminary examination to be held in the month of February, 1876, all notices given and examinations to be made in pursuance of such notices, and the subjects notified as the subjects for examination, shall respectively be deemed to be notices, examinations, and subjects given, made and notified respectively under and in pursuance of the orders hereby made notwithstanding such notified subjects may not comprise all of the subjects specified in the 1st schedule hereto.

THE FIRST SCHEDULE.

The preliminary examinations shall take place at four periods in each year (that is to say), in the months of February, May, July, and October, on such days as the special examiners shall from time to time appoint; and they shall be conducted either by the special examiners personally, in the hall of the Incorporated Law Society of the United Kingdom, in Chancery-lane, London, or by and under the supervision of two local solicitors to be appointed by the special examiners, as hereinafter mentioned, in the following towns, or some of them (namely):—Birmingham, Brighton, Bristol, Cambridge, Cardiff, Carlisle, Carmarthen, Chester, Durham, Exeter, Lancaster, Leeds, Lincoln, Liverpool, Maidstone, Manchester, Newcastle-on-Tyne, Oxford, Plymouth, Salisbury, Shrewsbury, Swansea, Worcester, York.

The preliminary examination shall be on the following subjects (namely):—

1. Reading aloud a passage from some English author.
2. Writing from dictation.
3. Writing a short English composition.
4. Arithmetic: The first four rules, simple and compound; the rule of three; and decimal and vulgar fractions.
5. Geography of Europe and of the British Isles, and History of England.

6. Latin—Elementary.
7. And in two languages to be selected by the candidate out of the following six (namely): (1) Latin; (2) Greek—Ancient; (3) French; (4) German; (5) Spanish; (6) Italian.

With respect to the examination of candidates residing in and desiring to be examined in the country, papers shall be transmitted by the special examiners to some local solicitors to be appointed by them for that purpose, in some of the hereinbefore mentioned towns in England and Wales, who shall call the candidates before them at convenient times, to be fixed by the special examiners, and require them to read aloud before them as in subject 1 before mentioned, and to give written answers in the several other subjects before mentioned, in the presence of the persons so appointed, who shall then seal up and send to the special examiners the answers so written, and a report as to the reading aloud.

Every person applying to be examined shall give one calendar month's notice in writing to the registrar of solicitors of his desire to be examined in the subjects specified in this schedule, and shall state in such notice the two languages in which he proposes to be examined, under the subject of examination herein mentioned numbered 7, and the place at which he wishes to be examined, and his age and place or mode of education.

The said examiners shall conduct the examination of every such applicant in the manner, and to the extent hereby directed and in no other manner, and to no further extent, and at least five calendar months previous to the time appointed for taking such examination the special examiners shall leave with the registrar of solicitors a list of the books selected by them for examination in the subjects above mentioned numbered 7, and a copy of such list may immediately thereupon be obtained from the registrar upon application.

Each person on receiving his certificate shall pay the fee of £2 to the Council of the Incorporated Law Society of the United Kingdom towards the expenses of such examination.

If the special examiners conducting such examination shall be satisfied with the proficiency shown by the candidate they shall sign a certificate to the following effect:—

We respectively certify that *A. B.* has been examined by us [*or* "under our direction" *in case the examination should be conducted in the country*] as required by the order of the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, dated the day of , 187 [*mentioning the date of this order*], in the several subjects of general knowledge mentioned in the 1st schedule to the said order. And we respectively certify that he has passed a satisfactory examination.

Dated this day of , 187 .

The last-mentioned certificate (in the case of a person not claiming exemption from the preliminary examination) shall be produced to the Registrar of Solicitors by the person entering into articles of clerkship before or at the time of producing his articles of clerkship to the said registrar in pursuance of the 7th section of the Act of the 23rd and 24th years of the reign of her present Majesty, chapter 127.

And any person claiming exemption from the preliminary examination, or claiming the benefit of the 5th section of the said Act, shall produce to the Registrar of Solicitors the *testamur*, certificate, or other evidence showing his right to such exemption before or at the time of producing his articles of clerkship as aforesaid.

In conducting the preliminary examination, the principle on which marks shall be given for the answers to the questions shall be in the discretion of the examiners, who shall have power, if they think fit (but they shall not be obliged to adopt the principle), of giving minus or negative marks for incorrect or careless answers.

The Second Schedule.

Every person serving under articles of clerkship shall be examined within the six calendar months next succeeding the day on which he shall have completed half his term of service, in such elementary works on the laws of England as may hereafter be selected by the examiners, and also in mercantile book-keeping, and the names of the books selected for examination in each year shall be furnished by the examiners to the Registrar of Solicitors in the month of July in the previous year, and may be obtained from such registrar by applicants at any time afterwards.

Each applicant for the intermediate examination shall give to the Registrar of Solicitors one calendar month's previous notice in writing before such of the days appointed for examination as he may choose (within the six months hereinbefore limited) to be examined on, and shall, twenty-one clear days before such examination day, leave with the Registrar of Solicitors the articles and the assignment (if any), duly stamped and registered, under which the applicant is serving his clerkship, with answers to the questions as to his due service and conduct up to that time.

Upon compliance with such regulations, if the major part of the examiners present at and conducting such examination shall be satisfied with the answers of the applicant in the subjects wherein he shall be so examined, the examiners or the major part of them shall certify the same under their hands by a certificate to the following effect:—

In pursuance of the rules and regulations made by the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, We, being the major part of the examiners conducting the intermediate examination of *A.B.*, of , do hereby certify that we have examined him as required by the said rules and regulations, and that he has passed a satisfactory examination.

Dated this day of , 18 .

In case the applicant shall fail to pass such intermediate examination to the satisfaction of the examiners, he may attend the examination on the next or any subsequent examination day; but if he shall not have passed such intermediate examination before the expiration of twelve calendar months next after the date when one-half of his time of service shall have expired, his examination at the expiration of the term of service under his articles shall be postponed for so long a period as may intervene between the expiration of such twelve calendar months as last aforesaid, and his passing such intermediate examination for such shorter period as the examiners shall in each case direct.

Each applicant on leaving his articles with the Registrar of Solicitors as above mentioned shall pay a fee of 15s., and on receiving his certificate for such intermediate examination shall pay a fee of 15s., such fees being in each case payable to the Incorporated Law Society of the United Kingdom.

In conducting the intermediate examination, the principle on which marks shall be given for the answers to the questions shall be in the discretion of the examiners, who shall have power, if they think fit, but shall not be obliged to adopt the principle of giving minus or negative marks for incorrect or careless answers.

The Third Schedule.

Any person not previously admitted shall give notice in writing, signed by himself or his agent, to the examiners six weeks at least before the first day of the month in which he shall propose to be examined, of his intention to apply for examination by leaving the same with the secretary of the Incorporated Law Society of the United Kingdom, at their Hall in Chancery-lane, which notice shall also state his place or places of residence and service for the last preceding twelve months, and, in case of application to be admitted on a refusal of the certificate, shall give or leave with the said secretary ten days' previous notice of such application, together with a copy of the petition; and any person applying to be admitted shall also, six weeks at least before the first day of the month in which he shall propose to be admitted as aforesaid, cause to be delivered at the Petty Bag Office a notice in writing signed by himself containing a statement of his then place of abode, and the name or names and place or places of abode of the person or persons with whom he has served as an articled clerk during the continuance of his articles of clerkship, and containing, in addition thereto, a statement of his place or places of abode or service for the last preceding twelve months, and the Clerk of the Petty Bag shall reduce all such notices into an alphabetical list under convenient heads, and shall three weeks at least before the first day of the month named in such notices affix such list in some conspicuous place in the Petty Bag Office, or in such other place or places as the Master of the Rolls shall from time to time appoint, and shall also at the time aforesaid furnish the secretary of the Incorporated Law Society of the United Kingdom with a copy or copies of the said list.

Every person so proposing to be admitted a solicitor of the Supreme Court, who shall have given such notice of his intention to apply for examination and admission as aforesaid, or as authorized by the rule, and who shall not have attended to be examined, or not have passed the examination, or not have

been admitted, may within one week after the end of the month for which such notices were given, renew the notices for examination or admission for the then next ensuing examination, and so from time to time as often as he shall think proper, and all such renewed notices shall be added to and placed up with the notices of admissions, and the applicants named in such renewed notices may be examined and admitted in the ordinary way, in pursuance of such last-mentioned notices.

Every person applying to be examined for the purpose of being admitted a solicitor of the Supreme Court, pursuant to the said rules, shall, at least twenty-one days before the day on which he is desirous of being examined, leave, or cause to be left, with the secretary of the Incorporated Law Society of the United Kingdom, his articles of clerkship, duly stamped, and also any assignment which may have been made thereof, together with answers to the several questions hereunto annexed, signed by the applicant, and also by the solicitor or solicitors, London agent, barrister or special pleader, with whom he shall have served his clerkship.

In case the applicant shall show sufficient cause to the satisfaction of the examiners why the first regulation cannot be fully complied with, it shall be in the power of the said examiners, upon sufficient proof being given of the same, to dispense with any part of the first regulation that they may think fit and reasonable.

Every person applying for admission shall also, if required, sign and leave, or cause to be left, with the secretary of the Incorporated Law Society of the United Kingdom, answers in writing to such other written or printed questions as shall be proposed by the said examiners, touching his said service and conduct, and shall also, if required, attend the said examiners personally, for the purpose of giving further explanations touching the same, and shall also, if required, procure the solicitor or solicitors with whom he shall have served his clerkship as aforesaid to answer, either personally or in writing, any questions touching such service or conduct, or shall make proof to the satisfaction of the examiners of his inability to procure the same.

Every person so applying shall also attend the examiners at the Hall of the Incorporated Law Society of the United Kingdom, at such time or times as shall be appointed for that purpose as the examiners shall appoint, and shall answer such questions as the examiners shall then and there put to him by written or printed papers touching his fitness and capacity to act as a solicitor and in the usual business transacted by a solicitor.

Upon compliance with the regulations, and if the major part of the examiners actually present at and conducting the examination (one them being an *ex-officio* examiner) shall be satisfied as to the fitness and capacity of the person so applying to act as a solicitor, the examiners so present or the major part of them shall certify the same under their hands by a certificate to the following effect:—

We, being the major part of the examiners duly appointed for conducting the final examination before admission of persons intending to become solicitors of the Supreme Court, and having been actually present at and having conducted the examination of *A. B.*, of , do hereby certify that we have examined him as required in that behalf, and we do testify that he is fit and capable to act as a solicitor of the Supreme Court and in the usual business transacted by solicitors.

QUESTIONS as to due Service of Articles of Clerkship.
To be answered by the Clerk.

1. What was your age at the date of your articles?
2. Have you served the whole term of your articles at the office where the solicitor or solicitors to whom you were articled or assigned carried on his or their business? and if not, state the reason.
3. Have you at any time during the term of your articles been absent without the permission of the solicitor or solicitors to whom you were articled or assigned? and if so, state the length and occasions of such absence.
4. Have you, during the period of your articles, been engaged or concerned in any profession, business, or employment other than your professional employment as clerk to the solicitor or solicitors to whom you were articled or assigned?
5. Have you, since the expiration of your articles, been engaged or concerned, and for how long a time, in any and what profession, trade, business, or employment other than the profession of a solicitor?

QUESTIONS to be answered by the Solicitor or Agent with whom the Clerk may have served any part of the time under his Articles (with such adaptations, if put to an Agent, as may be necessary).

1. Has *A. B.* served the whole term of his articles at the office where you carry on your business? and if not, state the reason.
2. Has the said *A. B.* at any time during the term of his articles been absent without your permission? and if so, state the length and occasions of such absence.
3. Has the said *A. B.* during the period of his articles been engaged or concerned in any profession or business or employment, other than his professional employment as your articled clerk?
4. Has the said *A. B.* during the whole term of his clerkship, with the exceptions above mentioned, been faithfully and diligently employed in your professional business of a solicitor?
5. Has the said *A. B.* since the expiration of his articles been engaged or concerned, and for how long a time, in any and what profession, trade, business, or employment other than the profession of solicitor?

And I do hereby certify that the said *A. B.* hath duly and faithfully served under his articles of clerkship [*or* assignment, *as the case may be*], dated the day of , 18 , for the term therein expressed, and that he is fit a and proper person to be admitted a solicitor of the Supreme Court.

QUESTIONS to be answered by the Barrister or Special Pleader with whom the Clerk may have been a Pupil, under the 6th section of the Act 6 & 7 Vict. c. 73.

Has *A. B.* continued to be a pupil of yours, and has he been employed as such by you for any and what period during the term of his articles, being a term of [*] years commencing on the day of ?

Has the said *A. B.* during the time of being such pupil of yours been diligently employed as such pupil, and have you had occasion to be dissatisfied with his conduct in any, and, if any, in what respect?

A. E. COCKBURN. J. R. QUAIN.
G. JESSEL. GEORGE DENMAN.
COLERIDGE. R. PAUL AMPHLETT.
FITZROY KELLY. NATHL. LINDLEY.
ROBT. LUSH.

Dated this 2nd day of November, 1875.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Court of Appeal.	Master of the Rolls.
Monday, Nov. 15	Mr. Farrer	Mr. Teesdale
Tuesday 16	King	Ward
Wednesday .. 17	Holdship	Teesdale
Thursday 18	King	Ward
Friday 19	Farrer	Ward
Saturday 20	Holdship	Teesdale

	V. C. Malins.	V. C. Bacon.	V. C. Hall.
Monday, Nov. 15	Mr. Pemberton	Mr. Merivale	Mr. Leach
Tuesday 16	Clowes	Milne	Latham
Wednesday .. 17	Pemberton	Merivale	Leach
Thursday 18	Clowes	Milne	Latham
Friday 19	Pemberton	Merivale	Leach
Saturday 20	Clowes	Milne	Latham

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

Nov. 12, 1875.

3 per Cent. Consols, 94⅞	Annuities, April, '85, 9½
Ditto for Account, Dec. 1, 94⅞	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced, 93¼	Ex Bills, £1000, 2½ per Ct. 3 pm
New 3 per Cent., 93½	Ditto, £500, Do, 5 pm
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 5 pm.
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 5 per Ct. (last half-year), 257
Do. 5 per Cent., Jan. '73	Ditto or Account.
Annuities, Jan. '80 —	

MONEY MARKET AND CITY INTELLIGENCE.

No alteration has been made this week in the Bank rate; there is a slight improvement in the proportion of reserve to liabilities, it being now 42 per cent. The foreign market has been very much depressed, Turkish, Egyptian,

* Four *or* five years, *as the case may be.*

Peruvian stocks having experienced a very heavy fall. Home railways have been rather lower, but rallied considerably to-day, and close at about last week's prices. Consols closed at 94¼ to 94⅝ for money and account.

BIRTHS AND DEATHS.

BIRTHS.

BRIGGS—Nov. 9, at Hampton House, Teddington, the wife of Thomas Henry Briggs, Esq., barrister-at-law, of a son.

CLARKE—Nov. 4, at Dagmar-villa, Dagmar-road, Camberwell, the wife of Edward Clarke, Esq., barrister-at-law, of a daughter.

MULLINGS—Oct. 24, at Cirencester, the wife of John Mullings, Esq., of a son.

SMITH—Nov. 6, at 53, Queen's-gardens, Hyde-park, the wife of Richard Horton Smith, Esq., of Lincoln's-inn, barrister-at-law, of a son.

STOCKEN—Oct. 27, the wife of Walter Stocken, Esq., solicitor, of a son.

DEATHS.

BROWN—Nov. 7, at 2, Richmond-villas, Gascoyne-road, South Hackney, Thomas Augustus Brown, solicitor, eldest son of the late Gentle Brown, of Southsea, aged 52.

COMMINS—Oct. 21, at Bodmin, Thomas Commins, Esq., solicitor, aged 69.

LONDON GAZETTES.

Winding up of Joint Stock Companies.

FRIDAY, NOV. 5, 1875.

UNLIMITED IN CHANCERY.

Fourth Saint Martin's Mutual Benefit Building Society.—Petition for winding up, presented Nov 1, directed to be heard before the M.R. on Nov 13. Launday, Cecil st, Strand, solicitor for the petitioner.

Liguria Gold Mining Company.—V.C. Malins has fixed Monday, Nov. 15, at 12, at his chambers, for the appointment of an official liquidator

LIMITED IN CHANCERY.

Eastbourne Coal Company, Limited.—V.C. Malins has, by an order dated July 30, appointed William Edmonds, Old Jewry, to be official liquidator. Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of their debts or claims, to the above. Thursday, Dec 9, at 12, is appointed for hearing and adjudicating upon the debts and claims.

European Review, Limited.—Petition for winding up, presented Nov 3, directed to be heard before V C. Bacon on Saturday, Nov 13. Rooks and Co, King st, Cheapside, solicitors for the petitioner.

Gwendraeth Valley Colliery Company, Limited.—Petition for winding up, presented Nov 2, directed to be heard before V.C. Malins on Nov 19. Lindo, King's Arms yard, Moorgate st, solicitor for the petitioners.

People's Gardens Company, Limited.—Petition for winding up, presented Nov 4, directed to be heard before the M.R. on Nov 13. Digby and Liddle, Circus place, Finsbury circus, solicitors for the petitioner.

United Bituminous Collieries Company, Limited.—Petition for winding up, presented Nov 3, directed to be heard before V.C. Bacon on Nov 13. Snell, George st, Mansion House, solicitor for the petitioners.

Whitley Partners, Limited.—V.C. Bacon has, by an order dated Oct 22, appointed William Frankland Dean, Leeds, to be official liquidator.

STANNARIES OF CORNWALL.

Lambert Mining Company, Limited.—By an order made by the Vice-Warden of the Stannaries, dated Oct 27, it was ordered that the above company, be wound up. Hodge and Co, Truro, agents for Davis and Co, Moorgate street, solicitors for the petitioners.

TUESDAY, Nov. 9, 1875.

UNLIMITED IN CHANCERY.

Equitable Permanent Benefit Building Society.—Petition for winding up, presented November 6, directed to be heard before V.C. Hall on Nov 19. Bodman, Cannon st, solicitor for the petitioner.

Friendly Societies Dissolved.

FRIDAY, Nov. 5, 1875.

Aston True Blue Society, Crown Inn, Aston, Stafford. Nov 1

Hambledon Friendly Society, Hambledon, Buckingham. Nov 3.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Nov 5, 1875.

Brown, Robert, Haughton-le-Skerne, Durham, Sacking Manufacturer. Dec 6. Brown v Brown, M.R. Jarvis, Chancery lane

Farmer, Richard, Wood st square, Woollen Warehouseman. Dec 8. Clare v Farmer, V.C. Hall. Frost, Leadenhall st

Foulger, Samuel, St George's st, Chemist. Dec 3. Foulger v Foulger, V.C. Bacon. Longden, Old Jewry

Gawthorp, Samuel, Tottenham, Gent. Dec 2. Booth v Gawthorp, M.R. Proudfoot, John st, Bedford row

Hambleton, Thomas, Bagnall, Stafford. Dec 4. Hambleton v Hambleton, V.C. Hall. Redfern and Son, Leek

Peirce, Thomas, Hampstead. Dec 18. V.C. B.

Walton, James, Eastbourne, Sussex, Gent. Dec 3. Leask v Walton, M.R. Browne, Ironmonger lane

Creditors under 22 & 23 Viet. cap. 35.

Last Day of Claim.

FRIDAY, Nov 5, 1875.

Barber, Benjamin, sen, Rainow, Cheshire, Shopkeeper. Nov 30. Brocklehurst and Co, Macclesfield

Brier, James, Savile town, York, Builder. Jan 10. Chadwick and Sons, Dewsbury

Broom, Frances Maria, Bristol. Dec 1. Wise, Bristol

Brown, Mary, Eastbourne terrace, Paddington. Dec 31. Oldman, Serjeants' inn, Chancery lane

Burges, Maria, Palace gardens terrace, Kensington. Dec 13. Vallance and Vallance, Essex st, Strand

Cantwell, John, Cogges, Oxford, Stone Mason. Dec 15. Westell, Witney

Dixon, Catherine, Stourbridge, Worcester. Feb 1. Harwards and Co, Stourbridge

Griffiths, John, Kingswood, Gloucester, Cloth Manufacturer. Jan 1. Bush and Ray, Bristol

Hadfield, Marianne, Chasetown, Lichfield, Stafford. Dec 13. Glover, Walsall

Hill, Richard, Clifton Campville, Stafford, Gent. Jan 7. Atkins, Tamworth

Ibbotson, Alexander, Sheffield, Yeoman. Dec 1. Younge and Co, Sheffield

Jessop, Joseph, Kirkburton, York, Stay Manufacturer. Jan 4. Sykes and Son

Major, William, Southport, Lancashire, Gent. Dec 31. Welsby and Co, Southport

Malster, Mary Ann, Great Dunmow, Essex. Nov 30. Wade and Knocker, Great Dunmow

Matthams, William, Great Dunmow, Essex, Farmer. Nov 23. Wade and Knocker, Great Dunmow

Menzies, Lady Maria Wilhelmina, Hastings, Sussex. Dec 8. Phillip and Cheesman, Hastings

Mycock, Thomas, Blackpool, Lancashire, Hotel Proprietor. Dec 16. Sykes, Blackpool

Osborn, James Judd, South place, Upper Sydenham, Licensed Victualler. Dec 11. Gray, Edgware rd

Robson, George, Lisle st, Leicester square, Leather Merchant. March 1. Jameson, Verulam buildings, Gray's inn

Rowell, Benjamin How, Old Hurst, Huntingdon, Farmer. Jan 1. Dec 1. Hunnybun and Sons, Huntingdon

Rowlett, George Frederick, Clarence rd, Bow, Cork Merchant's Manager. Brighten and Parker, Bishopsgate st without

Sayers, Rev Andrew, Upleadon, Gloucester. Dec 20. Bonnor, Gloucester

Selmes, Robert, Woodford, Essex, Butcher. Dec 15. Richardson, Great Hadham

Thompson, Elizabeth, Reading, Berks. Dec 15. Whitcombe, Gloucester

Whitfield, Robert, South Marston, Wilts, Farmer. Dec 31. Crowdy and Son, Faringdon

Whitham, Robert, Burnley, Lancashire, Gent. Dec 1. Backhouse, Burnley

Widdicombe, William, Charlton, Kent, Col Bombay Staff Corps. Dec 1. Guscotte and Co, Essex st, Strand

Winter, Thomas, Boston, Lincoln, Post Office Clerk. Dec 6. Staniland and Wigleworth, Boston

Bankrupts.

FRIDAY, Nov. 5, 1875.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Hunt, Vere Dawson De Vere, Sherborne st, Blandford square, Horse Dealer. Pet Nov 3. Spring-Rice. Nov 23 at 12

Guiver, Charles, Kingsbridge terrace, Lower rd, Rotherhithe, Cabinet Maker. Pet Nov 1. Brougham. Nov 23 at 11.30

To Surrender in the Country.

Garner, John, Lowestoft, Suffolk, Boot Maker. Pet Nov 1. Worlledge. Great Yarmouth, Nov 17 at 3

Gay, Frank, Newport, Monmouth, Bookseller. Pet Nov 1. Roberts. Newport, Nov 16 at 11

Rosewell, Edward, Halliford, Middlesex, Fisherman. Pet Nov 2. Bell. Kingston, Dec 9 at 4

Williams, Alfred, Winsford, Cheshire, Draper. Pet Nov 2. Broughton. Crewe, Nov 22 at 11

Williamson, Thomas, jun, Bradford, York, Worsted Spinner. Pet Nov 2. Robinson. Bradford, Nov 19 at 9

TUESDAY, Nov. 9, 1875.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in the Country.

Chapple, John E , Wyvil rd, Wandsworth rd, Outfitter. Pet Nov 2, Willoughby. Wandsworth, Nov 23 at 11

Elias, William, Bridgend, Glamorgan, Tailor. Pet Nov 4. Langley. Cardiff, Nov 24 at 12

Jones, Jane, and John Angel Jones, Carnarvon, Tailors. Pet Nov 6. Jones. Bangor, Nov 24 at 2

Lloyd, Edward Richard, Great Grimsby, Lincoln, Timber Merchant. Pet Nov 1. Daubuey. Great Grimsby, Nov 24 at 11

BANKRUPTCIES ANNULLED.

FRIDAY, Nov. 9, 1875.

O'Callaghan, Hon William Frederick Ormonde, [Paris, France, M.P. Nov 3

Finney, William, Lower Thames st, Coal Merchant. Nov 3

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Nov. 5, 1875.

Alexander, Ross Constance, Alexander Samuel Pyke, Sylvester Solomon Alexander, and Leon Pyke, Hatton garden, Wholesale Jewellers. Nov 17 at 2 at the Guildhall Tavern, Gresham st. Harcourt and Macarthur, Moorgate st

Allwood, John, Attercliffe, Sheffield, Butcher. Nov 17 at 11 at offices of Webster, Hartshead, Sheffield

Armstrong, John Low, Mount st, Grosvenor square, Fish Salesman. Nov 19 at 1 at offices of Preston, Mark lane

Beck, Alfred, Birmingham, Iron Merchant. Nov 17 at 2 at offices of Grove, Bennett's hill, Birmingham
Birch, William, Cheslyn Hay, Stafford, Chartermaster. Nov 18 at 11 at offices of Sheldon, Lower High st, Wednesbury
Bolland, Thomas, Scarborough, York, Gent. Nov 25 at 3 at offices of Crumbie, Stonegate, York
Boustead, Robert Askew, Wigton, Cumberland, Ironmonger. Nov 17 at 11 at offices of McKeever, Wigton
Bradshaw, John, Nottingham, Boot Manufacturer. Nov 24 at 12 at offices of Heath, St Peter's Church walk, Nottingham
Brebner, Margaret Ann Smith, Darlington, Durham, Fishing Tackle Manufacturer. Nov 19 at 12 at offices of Bowes and Hett, County Court, Darlington
Butland, James, Woodbine terrace, Shepherd's bush, Builder. Nov 22 at 3 at offices of Dowse, New inn, Strand
Calow, John, Manchester, Wheelwright. Nov 19 at 3 at offices of Horner and Co, Lloyd st, Manchester
Carter, William, Pontefract, York, Joiner. Nov 25 at 2 at the Green Dragon Hotel, Pontefract Wood, Pontefract
Carver, George, Newport, Monmouth, Hair Dresser. Nov 15 at 2 at offices of Bradgate, Dock st, Newport
Coates, William, West Auckland, Durham, Tailor. Nov 18 at 11 at offices of Maud, jun, Fore Bondgate, Bishop Auckland
Coad, Theophilus, Uxbridge rd, Shepherd's bush, Optician. Nov 16 at 2 at offices of Ager, Barnard's inn, Holborn. Harrison, Godliman st, Doctors' commons
Cobb, Hester, Grundisburg, Suffolk, Grocer. Nov 19 at 3 at offices of Moulton, New st, Woodbridge. Carthew
Cock-edge, Charles, Thorpe Morieux, Suffolk, Farmer. Nov 22 at 12 at the Guildhall, Bury St Edmunds
Cook, Robert, Leicester, Hosiery Manufacturer. Nov 22 at 12 at offices of Harvey, Pocklington's walk
Davison, George, Great Ayton, York, Mining Engineer. Nov 17 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne
Day, John, jun, Eastrop, Hants, Veterinary Surgeon. Nov 23 at 3 at the Red Rion Hotel, Basingstoke. Lamb, Andover
Docker, Edward Scott, Hemel Hempstead, Hertford, no occupation. Dec 1 at 1 at offices of Terrell and Honey, Aldermanbury
Downing, Edward Josiah Barber, Wilton rd, Shepherd's Bush, Brush Manufacturer. Nov 13 at 10 at offices of Yorke, Marylebone rd
Eaddy, John, Augusta place, Lower rd, Rotherhithe, Barge Owner. Nov 10 at 2 at offices of Lewis, Furnival's inn
Edger, Warren, Dukinfield, Cheshire, Surgeon. Nov 17 at 12 at offices of Gould, St Peter's square, Manchester
Elmer, George, Somersham, Huntingdon, Woollen Draper. Nov 17 at 3.30 at the Wentworth Hotel, Peterborough, Deacon and Wilkins Peterborough
Entwisle, John, East India avenue, Leadenhall st, Merchant. Nov 17 at 2 at offices of Price and Co, Gresham st. Johnson and Co, Austin, Friars
Evans, Owen, Scuth st, Thurloe square, West Brompton, Surgeon. Nov 20 at 12 at offices of Harris, Duke st, Manchester square
Fell, William Henry, Dewsbury, York, Dyer. Nov 27 at 11 at offices of Walker, Dewsbury
Flockton, Charles Poston, Percy st, Tottenham court rd, Comedian. Nov 29 at 12 at offices of Bolton, Gray's inn square
Frizell, Thomas, and Joshua Bolton, Guisley, York, Cloth Manufacturers. Nov 17 at 3 at offices of Routh, Royal Exchange buildings, Park row, Leeds. Malcolm, Leeds
Gibbons, Francis, Landport, Hants, Hardwareman. Nov 19 at 4 at offices of Wainscot, Union st, Portsea. King, Portsea
Gleed, Adam, Draper st, Walworth, Dealer in Furniture. Nov 25 at 3 at offices of Kent, Red Lion court, Cannon st
Gough, Francis Pelling, King's Heath, Worcester, out of business. Nov 23 at 12 at offices of Fallows, Cherry st, Birmingham
Grant, James, Littleham, Devon, Ironmonger. Nov 19 at 12 at offices of Fewings, Bedford st, Exeter. Peyton, Exeter
Green, Henry Wayth, Canterbury rd, Kilburn, Blind Maker. Nov 17 at 10 at offices of Goatly, Westminster Bridge rd
Harford, William, West Bromwich, Stafford, Grocer. Nov 22 at 3 at offices of Shakespeare, Church st, Oldbury
Harrison, Edmund, Lancaster, Surgeon-Dentist. Nov 22 at 11 at offices of Holden and Whelon, Church st, Lancaster
Hart, William, Upper Whitecross st, Grocer. Nov 13 at 12 at offices of Noton, Great Swan alley, Moorgate st
Hebb, George Wriglesworth, Barton Pedwardine, Lincoln, Farmer. Nov 24 at 1 at the Peacock Hotel, Boston. Tweed, Lincoln
Heighes, John, Selborne, Hants, Machinist. Nov 12 at 2 at offices of Eve, Victoria rd, Aldershot
Heptinstall, Thomas, Castleford, York, Music Hall Proprietor. Nov 19 at 2 at the L. and Y. Hotel, Aketon rd, Castleford. Phillips
Hirst, John, Halifax, York, Woollen Manufacturer. Nov 19 at 3 at offices of Wavell and Co, George st, Halifax
Hobden, George, Clayton, Sussex, Steam Thrashing Machine Proprietor. Nov 19 at 3 at offices of Hardwicke, Prince Albert st, Brighton
Holmes, John, Old Basford, Nottingham, Stonemason. Nov 23 at 12 at offices of Heath, St Peter's Church walk, Nottingham
Horsfall, John William, Huddersfield, York, Hosier. Nov 18 at 3 at offices of Learoyd and Co, Buxton rd, Huddersfield
Jackson, John, Withington, Lancashire, Landscape Gardener. Nov 18 at 11 at offices of Vaughan, Cheadle
Jeffs, Edwin Smith, Liverpool, Estate Agent. Nov 22 at 3 at offices of of Quelch and Greenway, Dale st, Liverpool
Johnson, Henry, Birkenhead, Cheshire, Painter. Nov 17 at 2 at offices of Downham, Market st, Birkenhead
Jolly, Nathan, Bradford, York, Auctioneer. Nov 18 at 4 at offices of Atkinson, Tyrrel st, Bradford
Jones, Charles, Lower Broughton, Lancashire, Boot Dealer. Nov 17 at 3 at offices of Dawson, Ridgefield, Manchester
Jones, James, Dudley, Worcester, Grocer. Nov 18 at 11 at offices of Stokes, Priory st, Dudley
Jones, John Angel, Mold, Flint, Woollen Draper. Nov 15 at 2 at the Queen Hotel, Chester. Kelly and Co
Kent, William, Marple, Cheshire, Coal Merchant. Nov 17 at 4 at offices of Best, Lower King st, Manchester
Liardet, Edward Albert, Sheerness, Kent, Cotton planter. May 31, 1876, at 11 at offices of Buchanan, Basinghall st
Levy, Mark, New st, Gravel lane, Houndsditch, Butcher. Nov 15 at 10 at offices of Dobson, Leman st
Linecar, Henry, Halesowen, Worcester, Grocer. Nov 17 at 11 at offices of Free, Temple row, Birmingham
Lord, David, Idle, York, Innkeeper. Nov 19 at 11 at offices of Watson and Dickons, Victoria chambers, Market st, Bradford
Marks, Michael David, Birmingham, Jewellers' Factor. Nov 16 at 3 at offices of Hodgson, Waterloo st, Birmingham
Martin, Thomas, Birmingham, Beerhouse Keeper. Nov 15 at 12 at offices of Fallows, Cherry st, Birmingham
Melhuish, Eli Henry, Ramsgate, Kent, Tailor. Nov 19 at 3 at the Guildhall Tavern, Gresham st. Edwards, Ramsgate
Mort, James, Altrincham, Cheshire, Tobacconist. Nov 19 at 3 at offices of Chorlton, Brazennose st, Manchester
Myers, Jacob, Goulstone st, Whitechapel, Furrier. Nov 30 at 2 at offices of Pass, Pancras lane, Queen st
Parsons, Frederick William Hobson, Bristol, Law Stationer. Nov 13 at 11 at the Radnor Hotel, Nicholas st, Bristol
Peters, Frederick John, Oatlands park, Walton-on-Thames, Surrey, Builder. Nov 25 at 3.30 at the Railway Hotel, Surbiton Station. Stocken and Jupp, Lime st square
Richards, Edward, Saltney, Cheshire, Innkeeper. Nov 16 at 12 at offices of Charton, Eastgate buildings, Chester
Robinson, Charles, Little Britain, Store st, Bedford square, Cab Proprietor. Nov 12 at 3 at offices of Cooper, Chancery lane
Rowland, George, New Swindon, Wilts, Baker. Nov 16 at 12 at the Queen's Arms Hotel, New Swindon
Rowley, Henry, Smethwick, Stafford, Forge Roller. Nov 22 at 3.30 at offices of Shakespeare, Church st, Oldbury
Salvidge, James, Clifton, Bristol, Licensed Victualler. Nov 13 at 11 at the Radnor Hotel, Nicholas st, Bristol. Williams, Bristol
Seed, John, Sheffield, Commercial Traveller. Nov 16 at 4 at the Wool Pack Hotel, Buxton rd, Huddersfield. Weatherhead and Burr, Keighley
Seed, Thomas, Keighley, York, Coal Merchant. Nov 16 at 4 at the Wool Pack Hotel, Buxton rd, Huddersfield. Weatherhead and Burr, Keighley
Stevenson, Samuel, Willenhall, Stafford, Key Stamper. Nov 16 at 11 at offices of Baker, Walsall st, Willenhall
Towill, Augustus, Liverpool, Merchant. Nov 30 at 2 at offices of Tyrer and Co, North John st, Liverpool
Tuer, Christopher, and Robert Howarth, Farnworth, nr Bolton, Lancashire, Engineers. Nov 29 at 3 at offices of Cobbett and Co, Brown st, Manchester
Wadsworth, Thomas, Oldham, Lancashire, Ale Merchant. Nov 17 at 3 at offices of Buckley and Clegg, Clegg st, Oldham
Ward, Thomas, Walworth rd, Furniture Dealer. Nov 15 at 3 at offices of Cooper, Chancery lane
Warren, Henry Thomas, Gracechurch st, Auctioneer. Nov 16 at 12 at offices of Norman, Old Bond st
Watson, Joseph Spencer, Orchard House yard, Blackwall, Iron Steamboat Builder. Nov 20 at 12 at the Green Dragon Hotel, Bishopsgate st within. Philbrick, Old Broad st
Webber, William, Burrington, Devon, Grocer. Nov 22 at 4 at the King's Arms Hotel, High st, Barnstaple. Fryer, Exeter
Werrett, George, Bristol, Greengrocer. Nov 19 at 11 at offices of Ward and Lane, Albion chambers, Bristol
Williams, De Kewer, Bishopsgate avenue, Camomile st, Steam Printer. Nov 15 at 2 at the Guildhall Tavern, Gresham st. Anning, Bucklersbury
Wortley, Thomas John, Church rd, Homerton, Oilman. Nov 22 at 2 at offices of Allen and Daw, Barbican, Gregory, Barbican
Yockmonix, Hyman, Cheetham, Manchester, Cigar Dealer. Nov 22 at 3 at offices of Rylance and Barker, Essex st, Manchester
Young, William Henry, Boston, Lincoln, Silversmith. Nov 17 at 11 at offices of Thomas, Emery lane, Boston